

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 3116**  
**OFFERED BY MR. KING OF NEW YORK**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Department of Home-  
3 land Security Authorization Act for Fiscal Year 2012”.

**4 SEC. 2. TABLE OF CONTENTS.**

5       The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Amendment references.

**TITLE I—POLICY, MANAGEMENT, AND EFFICIENCY**

- Sec. 101. Under Secretary for Policy.
- Sec. 102. Countering homegrown radicalization and violent Islamist extremism.
- Sec. 103. Direct line authority for Chief Operating Officers.
- Sec. 104. Department of Homeland Security International Affairs Office.
- Sec. 105. Assistant Secretary for Health Affairs.
- Sec. 106. Department of Homeland Security reorganization authority.
- Sec. 107. Repeal of Office of Domestic Preparedness.
- Sec. 108. Quadrennial homeland security review.
- Sec. 109. Development of explosives detection canine standards.
- Sec. 110. Development of a balanced workforce.

**TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION  
POLICY**

- Sec. 201. Department of Homeland Security acquisitions and procurement review.
- Sec. 202. Capabilities and Requirements Council.
- Sec. 203. Acquisition authorities for the Under Secretary for Management.
- Sec. 204. Acquisition Professional Career Program.
- Sec. 205. Strategic plan for acquisition workforce.
- Sec. 206. Notification to Congress of major awards.
- Sec. 207. Independent verification and validation.

Sec. 208. Other transaction authority.

Sec. 209. Report on competition.

### TITLE III—INFORMATION SHARING AND INTELLIGENCE ANALYSIS

Sec. 301. Department of Homeland Security National Network of Fusion Centers Initiative.

Sec. 302. Homeland security information sharing networks development.

Sec. 303. Authority for flexible personnel management at the Department of Homeland Security Intelligence elements.

### TITLE IV—9/11 REVIEW COMMISSION

Sec. 401. Short title.

Sec. 402. Establishment.

Sec. 403. Purposes of the 9/11 Review Commission.

Sec. 404. Composition of the 9/11 Review Commission.

Sec. 405. Authority of 9/11 Review Commission.

Sec. 406. Compensation.

Sec. 407. Appointment of staff.

Sec. 408. Security clearances for Commission members and staff.

Sec. 409. Nonapplicability of Federal Advisory Committee Act.

Sec. 410. Reports of 9/11 Review Commission.

Sec. 411. Funding.

### TITLE V—PREPAREDNESS AND RESPONSE

#### Subtitle A—WMD Preparedness and Response

Sec. 501. Homeland Security Biodefense Strategy.

Sec. 502. Weapons of mass destruction intelligence and information sharing.

Sec. 503. Risk assessments.

Sec. 504. Individual and community preparedness.

Sec. 505. Detection of biological threats.

Sec. 506. Rapid biological threat detection and identification at ports of entry.

Sec. 507. Communications planning.

Sec. 508. Response guidelines concerning weapons of mass destruction.

Sec. 509. Plume modeling.

Sec. 510. Disaster recovery.

#### Subtitle B—Grants

Sec. 521. Sense of Congress.

Sec. 522. Use of grant funds for projects conducted in conjunction with a national laboratory or research facility.

Sec. 523. Notification of homeland security grant awards.

Sec. 524. Transparency in homeland security grant funding.

Sec. 525. Metropolitan Medical Response System.

Sec. 526. Transit security grant program.

#### Subtitle C—Communications

Sec. 541. Sense of Congress regarding interoperability.

Sec. 542. Roles and responsibilities with respect to policy and guidance for communications-related expenditures with grant funds.

#### Subtitle D—Miscellaneous Provisions

- Sec. 561. Audit of the National Level Exercise.
- Sec. 562. FEMA report to Congress on sourcing and distribution of disaster response goods and services.
- Sec. 563. Rural resilience initiative.
- Sec. 564. National Domestic Preparedness Consortium.
- Sec. 565. Technical correction.

#### TITLE VI—BORDER SECURITY PROVISIONS

- Sec. 601. Definitions.
- Sec. 602. Strategy to achieve operational control of the border.
- Sec. 603. Maintaining Border Patrol staffing.
- Sec. 604. Jaime Zapata Border Enforcement Security Task Force.
- Sec. 605. Cost-effective training for Border Patrol agents.
- Sec. 606. Border security on certain Federal lands.
- Sec. 607. Border security infrastructure and technology.
- Sec. 608. Northern border canine teams.
- Sec. 609. Unmanned vehicles pilot program.
- Sec. 610. Report on unmanned aerial vehicles.
- Sec. 611. Student visa security improvement.
- Sec. 612. Asia-Pacific Economic Cooperation Business Travel Cards.

#### TITLE VII—SCIENCE AND TECHNOLOGY

##### Subtitle A—Directorate of Science and Technology

- Sec. 701. Directorate of Science and Technology strategic plan.
- Sec. 702. 5-year research and development plan.
- Sec. 703. Identification and prioritization of research and development requirements.
- Sec. 704. Research and development progress.
- Sec. 705. Acquisition and operations support.
- Sec. 706. Operational Test and Evaluation.
- Sec. 707. Availability of testing facilities and equipment.
- Sec. 708. Bioforensics capabilities.
- Sec. 709. Homeland Security Science and Technology Fellows Program.
- Sec. 710. Homeland Security Science and Technology Advisory Committee.
- Sec. 711. Federally funded research and development centers.
- Sec. 712. Criteria for designation as a university-based center for homeland security.
- Sec. 713. Authority for flexible personnel management at the Science and Technology Directorate.

##### Subtitle B—Domestic Nuclear Detection Office

- Sec. 721. Radiological and nuclear detection and countermeasures research, development, testing, and evaluation.
- Sec. 722. Domestic implementation of the global nuclear detection architecture.
- Sec. 723. Radiation portal monitor alternatives.
- Sec. 724. Contracting and grantmaking authorities.
- Sec. 725. Domestic nuclear detection implementation plan.

#### TITLE VIII—IMMUNITY FOR REPORTS OF SUSPECTED TERRORIST ACTIVITY OR SUSPICIOUS BEHAVIOR AND RESPONSE

- Sec. 801. Short title.
- Sec. 802. Amendment to the Homeland Security Act of 2002.

## TITLE IX—MISCELLANEOUS

Sec. 901. Redesignation and movement of miscellaneous provisions.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
4 TEES.—The term “appropriate congressional com-  
5 mittees” means the Committee on Homeland Secu-  
6 rity of the House of Representatives and the Com-  
7 mittee on Homeland Security and Governmental Af-  
8 fairs of the Senate, and any committee of the House  
9 of Representatives or the Senate having legislative  
10 or oversight jurisdiction under the Rules of the  
11 House of Representatives or the Senate, respectively,  
12 over the matter concerned.

13 (2) DEPARTMENT.—The term “Department”  
14 means the Department of Homeland Security.

15 (3) FUNCTION.—The term “function” includes  
16 authorities, powers, rights, privileges, immunities,  
17 programs, projects, activities, duties, and respon-  
18 sibilities.

19 (4) LOCAL GOVERNMENT.—The term “local  
20 government” means—

21 (A) a county, municipality, city, town,  
22 township, local public authority, school district,  
23 special district, intrastate district, council of  
24 governments (regardless of whether the council

1 of governments is incorporated as a nonprofit  
2 corporation under State law), regional or inter-  
3 state government entity, or agency or instru-  
4 mentality of a local government;

5 (B) an Indian tribe or authorized tribal or-  
6 ganization, or in Alaska a Native village or  
7 Alaska Regional Native Corporation; and

8 (C) a rural community, unincorporated  
9 town or village, or other public entity.

10 (5) PERSONNEL.—The term “personnel” means  
11 officers and employees.

12 (6) SECRETARY.—The term “Secretary” means  
13 the Secretary of Homeland Security.

14 (7) STATE.—The term “State” means any  
15 State of the United States, the District of Columbia,  
16 the Commonwealth of Puerto Rico, the United  
17 States Virgin Islands, Guam, American Samoa, the  
18 Commonwealth of the Northern Mariana Islands,  
19 and any possession of the United States.

20 (8) TERRORISM.—The term “terrorism” means  
21 any activity that—

22 (A) involves an act that—

23 (i) is dangerous to human life or po-  
24 tentially destructive of critical infrastruc-  
25 ture or key resources; and

1 (ii) is a violation of the criminal laws  
2 of the United States or of any State or  
3 other subdivision of the United States; and  
4 (B) appears to be intended—

5 (i) to intimidate or coerce a civilian  
6 population;

7 (ii) to influence the policy of a govern-  
8 ment by intimidation or coercion; or

9 (iii) to affect the conduct of a govern-  
10 ment by mass destruction, assassination,  
11 or kidnapping.

12 (9) UNITED STATES.—

13 (A) IN GENERAL.—The term “United  
14 States”, when used in a geographic sense,  
15 means any State of the United States, the Dis-  
16 trict of Columbia, the Commonwealth of Puerto  
17 Rico, the Virgin Islands, Guam, American  
18 Samoa, the Commonwealth of the Northern  
19 Mariana Islands, any possession of the United  
20 States, and any waters within the jurisdiction  
21 of the United States.

22 (B) INA NOT AFFECTED.—Nothing in this  
23 paragraph or any other provision of this Act  
24 shall be construed to modify the definition of  
25 “United States” for the purposes of the Immi-

1           gration and Nationality Act or any other immi-  
2           gration or nationality law.

3 **SEC. 4. AMENDMENT REFERENCES.**

4       Except as otherwise specifically provided, whenever in  
5 this Act an amendment or repeal is expressed in terms  
6 of an amendment to, or repeal of, a provision, the ref-  
7 erence shall be considered to be made to a provision of  
8 the Homeland Security Act of 2002 (6 U.S.C. 101 et  
9 seq.).

10 **TITLE I—POLICY, MANAGEMENT,**  
11 **AND EFFICIENCY**

12 **SEC. 101. UNDER SECRETARY FOR POLICY.**

13       (a) IN GENERAL.—The Homeland Security Act of  
14 2002 (6 U.S.C. 101 et seq.) is amended by—

15           (1) redesignating section 601 (6 U.S.C. 331) as  
16       section 890A and transferring that section to appear  
17       immediately after section 890; and

18           (2) striking the heading for title VI and insert-  
19       ing the following:

20 **“TITLE VI—POLICY, PLANNING,**  
21 **AND OPERATIONS COORDINA-**  
22 **TION**

23 **“SEC. 601. UNDER SECRETARY FOR POLICY.**

24       “(a) IN GENERAL.—There shall be in the Depart-  
25 ment an Under Secretary for Policy, who shall be ap-

1 pointed by the President, by and with the advice and con-  
2 sent of the Senate.

3 “(b) RESPONSIBILITIES.—Subject to the direction  
4 and control of the Secretary, the Under Secretary for Pol-  
5 icy shall—

6 “(1) serve as a principal policy advisor to the  
7 Secretary;

8 “(2) supervise policy development for the pro-  
9 grams, offices, and activities of the Department;

10 “(3) establish and direct a formal policymaking  
11 process for the Department;

12 “(4) ensure that the budget of the Department  
13 can fulfill the Department’s statutory and regulatory  
14 responsibilities and implement strategic plans and  
15 policies established by the Secretary in a risk-based  
16 manner;

17 “(5) conduct long-range, risk-based, strategic  
18 planning for the Department, including overseeing  
19 each quadrennial homeland security review required  
20 under section 603;

21 “(6) coordinate policy development undertaken  
22 by the component agencies and offices of the De-  
23 partment; and



1 “(7) carry out such other functions as the Sec-  
2 retary determines are appropriate, consistent with  
3 this section.”.

4 (b) CLERICAL AMENDMENTS.—The table of contents  
5 in section 1(b) of the Homeland Security Act of 2002 (6  
6 U.S.C. 101 et seq.) is amended by striking the items relat-  
7 ing to title VI and inserting the following:

“TITLE VI—POLICY, PLANNING, AND OPERATIONS  
COORDINATION

“Sec. 601. Under Secretary for Policy.”.

8 **SEC. 102. COUNTERING HOMEGROWN RADICALIZATION**  
9 **AND VIOLENT ISLAMIST EXTREMISM.**

10 (a) IN GENERAL.—Not later than 90 days after the  
11 date of enactment of this Act, the Secretary shall des-  
12 ignate an official of the Department to coordinate efforts  
13 to counter homegrown violent Islamist extremism, includ-  
14 ing the violent ideology of Al Qaeda and its affiliated  
15 groups, in the United States.

16 (b) NOTICE.—Not later than 15 days after the date  
17 on which the Secretary designates an official under sub-  
18 section (a), the Secretary shall submit to the appropriate  
19 congressional committees a written notification of the des-  
20 ignation.

21 (c) REPORT.—Not later than 90 days after the date  
22 on which the Secretary designates an official under sub-

1 section (a), the official designated shall submit to the ap-  
2 propriate congressional committees a report detailing—

3 (1) the strategy and activities of the Depart-  
4 ment to counter homegrown violent Islamist extre-  
5 mism;

6 (2) the division of responsibilities within the  
7 Department for countering homegrown violent  
8 Islamist extremism, including the violent ideology of  
9 Al Qaeda and its affiliated groups;

10 (3) the strategy of the Department to monitor  
11 open source messaging that incite violence, including  
12 Internet websites that disseminate videos, graphics,  
13 text calling for violent activities, and to provide  
14 counter-messaging to that messaging;

15 (4) the number of employees of the Department  
16 and the amount of funding dedicated by the Depart-  
17 ment to countering homegrown violent Islamist ex-  
18 tremism, including the violent ideology of Al Qaeda  
19 and its affiliated groups;

20 (5) the type of Department-sponsored activities  
21 and training for States and local governments, in-  
22 cluding products and activities associated with State  
23 and major urban area fusion centers, for countering  
24 homegrown violent Islamist extremism; and

1           (6) the metrics used to measure the effective-  
2           ness of programs or activities of the Department  
3           aimed to counter homegrown violent Islamist extre-  
4           mism, including the violent ideology of Al Qaeda and  
5           its affiliated groups.

6   **SEC. 103. DIRECT LINE AUTHORITY FOR CHIEF OPERATING**  
7                   **OFFICERS.**

8           (a) IN GENERAL.—Title VI of the Homeland Secu-  
9           rity Act of 2002 (6 U.S.C. 201 et seq.) is further amended  
10          by adding at the end the following:

11   **“SEC. 602. DIRECT LINE AUTHORITY FOR CHIEF OPER-**  
12                   **ATING OFFICERS.**

13          “(a) IN GENERAL.—The Department’s Chief Oper-  
14          ating Officers shall include—

15               “(1) the Chief Financial Officer;

16               “(2) the Chief Procurement Officer;

17               “(3) the Chief Information Officer;

18               “(4) the Chief Human Capital Officer;

19               “(5) the Chief Administrative Officer; and

20               “(6) the Chief Security Officer.

21          “(b) DELEGATION.—Subject to the direction and  
22          control of the Secretary, the Chief Operating Officers shall  
23          have direct authority over their respective counterparts in  
24          components of the Department to ensure that the compo-  
25          nents comply with the laws, rules, regulations, and depart-

1 mental policies the Chief Operating Officers are respon-  
2 sible for implementing. In coordination with the head of  
3 the relevant component, such authorities shall include,  
4 with respect to the Officer's counterparts within compo-  
5 nents of the Department, direction of—

6 “(1) the activities of personnel;

7 “(2) planning, operations, and training; and

8 “(3) the budget and other financial resources.

9 “(c) COORDINATION WITH HEADS OF AGENCIES.—  
10 The chief operating officers of components of the Depart-  
11 ment shall coordinate with the heads of their respective  
12 agencies while fulfilling their responsibilities under sub-  
13 section (b) to report directly to the Chief Operating Offi-  
14 cers.”.

15 (b) CLERICAL AMENDMENT.—The table of contents  
16 in section 1(b) of the Homeland Security Act of 2002 (6  
17 U.S.C. 101 et seq.) is further amended by inserting after  
18 the item relating to section 601, as added by section 101  
19 of this Act, the following:

“Sec. 602. Direct line authority for Chief Operating Officers.”.

20 **SEC. 104. DEPARTMENT OF HOMELAND SECURITY INTER-**  
21 **NATIONAL AFFAIRS OFFICE.**

22 Section 879 of the Homeland Security Act of 2002  
23 (6 U.S.C. 459) is amended to read as follows:

1   **“SEC. 879. OFFICE OF INTERNATIONAL AFFAIRS.**

2       “(a) ESTABLISHMENT.—There is established within  
3 the Department an Office of International Affairs. The  
4 Office shall be headed by the Assistant Secretary for  
5 International Affairs, who shall be appointed by the Presi-  
6 dent, by and with the advice and consent of the Senate.

7       “(b) RESPONSIBILITIES OF THE ASSISTANT SEC-  
8 RETARY.—The Assistant Secretary for International Af-  
9 fairs shall—

10           “(1) establish, in consultation with the Under  
11 Secretary for Management, minimum requirements  
12 for training and supporting staff who are deployed  
13 abroad;

14           “(2) coordinate international functions within  
15 the Department, including functions carried out by  
16 the components of the Department, in consultation  
17 with other Federal officials with responsibility for  
18 counterterrorism and homeland security matters;

19           “(3) develop and update, in coordination with  
20 all components of the Department engaged in inter-  
21 national activities, a strategic plan for the inter-  
22 national activities of the Department and establish a  
23 process for managing its implementation;

24           “(4) provide guidance to components of the De-  
25 partment engaged in international activities and to  
26 employees of the Department who are deployed over-

1 seas, as well as their intent to pursue negotiations  
2 with foreign government officials and reviewing re-  
3 sulting draft agreements;

4 “(5) maintain awareness regarding the inter-  
5 national travel of senior officers of the Department,  
6 as well as their intent to pursue negotiations with  
7 foreign government officials and reviewing resulting  
8 draft agreements;

9 “(6) develop, in consultation with the compo-  
10 nents and, where appropriate, with the Science and  
11 Technology Directorate, programs to support the  
12 overseas programs conducted by the Department, in-  
13 cluding training, technical assistance, and equip-  
14 ment; and

15 “(7) promote exchange of homeland security in-  
16 formation and best practices relating to homeland  
17 security with foreign nations that, in the determina-  
18 tion of the Secretary, reciprocate the sharing of such  
19 information in a substantially similar manner.

20 “(c) RESPONSIBILITIES OF THE COMPONENTS OF  
21 THE DEPARTMENT.—

22 “(1) NOTICE OF FOREIGN NEGOTIATIONS.—All  
23 components of the Department shall notify the Of-  
24 fice of International Affairs of the intent of the com-

1       ponent to pursue negotiations with foreign govern-  
2       ments.

3               “(2) NOTICE OF INTERNATIONAL TRAVEL BY  
4       SENIOR OFFICERS.—All components of the Depart-  
5       ments shall notify the Office of International Affairs  
6       about the international travel of senior officers of  
7       the Department.

8               “(d) INVENTORY OF ASSETS DEPLOYED ABROAD.—  
9       The Office of International Affairs shall provide to the ap-  
10      propriate congressional committees, with the annual budg-  
11      et request for the Department, an annual accounting of  
12      all assets of the Department, including personnel, de-  
13      ployed outside the United States on behalf of the Depart-  
14      ment.

15              “(e) EXCLUSIONS.—This section does not apply to  
16      international activities related to the protective mission of  
17      the United States Secret Service, or to the Coast Guard  
18      when operating under the direct authority of the Secretary  
19      of Defense or the Secretary of the Navy.”.

20      **SEC. 105. ASSISTANT SECRETARY FOR HEALTH AFFAIRS.**

21              Section 516 of the Homeland Security Act of 2002  
22      (6 U.S.C. 321e) is amended—

23                      (1) in subsection (a), by striking the period at  
24              the end and inserting “, and who shall also have the  
25              title of Assistant Secretary for Health Affairs.”; and

1 (2) in subsection (c)—

2 (A) in paragraph (6), by striking “and”  
3 after the semicolon at the end;

4 (B) by redesignating paragraph (7) as  
5 paragraph (10); and

6 (C) by inserting after paragraph (6) the  
7 following:

8 “(7) ensuring that the workforce of the Depart-  
9 ment has science-based policy, standards, require-  
10 ments, and metrics for occupational safety and  
11 health;

12 “(8) providing medical expertise for the compo-  
13 nents of the Department with respect to prevention,  
14 preparedness, protection, response, and recovery for  
15 medical and public health matters;

16 “(9) working in conjunction with appropriate  
17 entities of the Department and other appropriate  
18 Federal agencies to develop guidance for prevention,  
19 preparedness, protection, response, and recovery  
20 from catastrophic events with human, animal, and  
21 agricultural health consequences; and”.

22 **SEC. 106. DEPARTMENT OF HOMELAND SECURITY REORGA-**  
23 **NIZATION AUTHORITY.**

24 Section 872 of the Homeland Security Act of 2002  
25 (6 U.S.C. 452) is amended—



1 (1) in subsection (a), by striking “only” and all  
2 that follows through “(2) after” and inserting “only  
3 after”; and

4 (2) by striking subsection (b) and inserting the  
5 following:

6 “(b) LIMITATIONS ON OTHER REORGANIZATION AU-  
7 THORITY.—

8 “(1) IN GENERAL.—Authority under subsection  
9 (a) shall not extend to the discontinuance, abolition,  
10 substantial consolidation, alteration, or transfer of  
11 any agency, entity, organizational unit, program, or  
12 function established or required to be maintained by  
13 statute.

14 “(2) EXCEPTION.—

15 “(A) IN GENERAL.—Notwithstanding para-  
16 graph (1), if the President determines it to be  
17 necessary because of an imminent threat to  
18 homeland security, a function, power, or duty  
19 vested by law in the Department, or an officer,  
20 official, or agency thereof, may be transferred,  
21 reassigned, or consolidated within the Depart-  
22 ment.

23 “(B) NOTICE.—Not later than 30 days  
24 after the date on which the President makes a  
25 transfer, reassignment, or consolidation under

1           subparagraph (A), the President shall notify the  
2           appropriate congressional committees of the  
3           transfer, reassignment, or consolidation.

4           “(C) DURATION.—A transfer, reassign-  
5           ment, or consolidation under subparagraph (A)  
6           shall remain in effect only until the President  
7           determines that the threat to homeland security  
8           has terminated or is no longer imminent.

9           “(c) PUBLICATION.—Not later than 30 days after the  
10          date on which the President or the Secretary makes a  
11          transfer, allocation, assignment, consolidation, alteration,  
12          establishment, or discontinuance under this section, the  
13          President or the Secretary shall publish in the Federal  
14          Register—

15                 “(1) the reasons for the action taken; and

16                 “(2) a list of each statutory provision impli-  
17          cated by the action.”.

18   **SEC. 107. REPEAL OF OFFICE OF DOMESTIC PREPARED-**  
19                   **NESS.**

20          (a) TERMINATION.—Title IV of the Homeland Secu-  
21          rity Act of 2002 is amended by striking section 430 (6  
22          U.S.C. 238).

23          (b) CLERICAL AMENDMENT.—The table of contents  
24          in section 1(b) of the Homeland Security Act of 2002 (6

1 U.S.C. 101(b)) is amended by striking the item relating  
2 to section 430.

3 **SEC. 108. QUADRENNIAL HOMELAND SECURITY REVIEW.**

4 (a) IN GENERAL.—Section 707 of the Homeland Se-  
5 curity Act of 2002 (6 U.S.C. 347) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking “fiscal  
8 year 2009” and inserting “calendar year  
9 2013”; and

10 (B) in paragraph (3), by striking “The  
11 Secretary shall conduct each quadrennial home-  
12 land security review under this subsection” and  
13 inserting “In order to ensure that each quad-  
14 rennial homeland security review conducted  
15 under this section is coordinated with the quad-  
16 rennial defense review conducted by the Sec-  
17 retary of Defense under section 118 of title 10,  
18 United States Code, and any other major stra-  
19 tegic review relating to diplomacy, intelligence,  
20 or other national security issues, the Secretary  
21 shall conduct each quadrennial homeland secu-  
22 rity review”; and

23 (2) by striking subsections (b), (c), and (d) and  
24 inserting the following:

25 “(b) SCOPE OF REVIEW AND REPORT.—

1           “(1) IN GENERAL.—In each quadrennial home-  
2       land security review, the Secretary shall—

3           “(A) examine the homeland security as-  
4       pects of the security environment of the Nation,  
5       including existing and potential homeland secu-  
6       rity threats and challenges, and the effect of  
7       laws, Presidential directives, national strategies,  
8       and other relevant guidance documents in meet-  
9       ing existing and potential homeland security  
10      threats and challenges;

11          “(B) review the capabilities and capacities  
12      across the homeland security enterprise, and  
13      the roles of executive agencies, States, local  
14      governments, Indian tribes, and private entities  
15      in providing those capabilities and capacities;

16          “(C) evaluate and prioritize the homeland  
17      security mission areas of the Nation and associ-  
18      ated goals and objectives, and recommend any  
19      necessary revisions to the mission areas, goals,  
20      and objectives as appropriate;

21          “(D) examine whether the capabilities and  
22      capacities across the homeland security enter-  
23      prise should be adjusted based on any proposed  
24      modifications to the mission areas, goals, or ob-  
25      jectives;

1           “(E) identify additional capabilities and  
2           capabilities that may be needed across the home-  
3           land security enterprise in response to potential  
4           homeland security threats and challenges, and  
5           the resources required to provide the capabili-  
6           ties and capacities;

7           “(F) identify redundant, wasteful, or un-  
8           necessary capabilities and capacities where re-  
9           sources can be redirected to support capabilities  
10          and capacities identified under subparagraph  
11          (E);

12          “(G) evaluate the organization, organiza-  
13          tional structure, governance structure, and  
14          business processes (including acquisition proc-  
15          esses) of the Department, as they relate to the  
16          ability of the Department to meet the respon-  
17          sibilities of the Department; and

18          “(H) review any other matter the Sec-  
19          retary considers appropriate.

20          “(2) REPORT.—During the year following the  
21          year in which a quadrennial homeland security re-  
22          view is conducted, and not later than the date on  
23          which the budget of the President for the next fiscal  
24          year is submitted to Congress under section 1105(a)

1 of title 31, United States Code, the Secretary  
2 shall—

3 “(A) submit to the appropriate congres-  
4 sional committees a report—

5 “(i) describing the process used in  
6 conducting the quadrennial homeland secu-  
7 rity review and explaining any underlying  
8 assumptions used in conducting the quad-  
9 rennial homeland security review;

10 “(ii) describing the findings and con-  
11 clusions of the review, including findings  
12 and conclusions relating to each issue ad-  
13 dressed under subparagraphs (A) through  
14 (H) of paragraph (1);

15 “(iii) detailing any proposed revisions  
16 to the national homeland security strategy,  
17 including any proposed revisions to the  
18 homeland security missions, capabilities  
19 and capacities, goals, or objectives of the  
20 Nation;

21 “(iv) detailing how the conclusions  
22 under the quadrennial homeland security  
23 review will inform efforts to develop capa-  
24 bilities and build capacity of States, local  
25 governments, Indian tribes, and private en-

1                   tities, and of individuals, families, and  
2                   communities;

3                   “(v) providing proposed changes to  
4                   the authorities, organization, governance  
5                   structure, or business processes (including  
6                   acquisition processes) of the Department  
7                   in order to better fulfill the responsibilities  
8                   of the Department; and

9                   “(vi) describing any other matter the  
10                  Secretary considers appropriate; and

11                  “(B) consistent with the protection of na-  
12                  tional security and other sensitive matters,  
13                  make the report required under subparagraph  
14                  (A) publicly available on the website of the De-  
15                  partment; and

16                  “(C) where appropriate, the Secretary may  
17                  include as an annex to the report materials pre-  
18                  pared pursuant to section 306 of title 5, relat-  
19                  ing to the preparation of an agency strategic  
20                  plan, to satisfy, in whole or in part, the report-  
21                  ing requirements of this paragraph.”.

22                  (b) **TECHNICAL AND CONFORMING AMENDMENT.**—  
23                  The table of contents in section 1(b) of the Homeland Se-  
24                  curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by

1 striking the item relating to section 707 and inserting the  
2 following:

“Sec. 707. Quadrennial homeland security review.”.

3 **SEC. 109. DEVELOPMENT OF EXPLOSIVES DETECTION CA-**  
4 **NINE STANDARDS.**

5 (a) IN GENERAL.—Section 1307(c) of the Imple-  
6 menting Recommendations of the 9/11 Commission Act of  
7 2007 (6 U.S.C. 1116(c)) is amended to read as follows:

8 “(c) EXPLOSIVES DETECTION CANINE ACCREDITA-  
9 TION AND MINIMUM CERTIFICATION STANDARDS.—

10 “(1) IN GENERAL.—To assist in the Depart-  
11 ment’s counterterrorism mission, the Secretary  
12 shall—

13 “(A) issue mission-specific accreditation  
14 and minimum certification standards for all ex-  
15 plosives detection canines, and their handlers,  
16 that are used or funded by the Department;  
17 and

18 “(B) ensure that all explosives detection  
19 canines used or funded by the Department, and  
20 their handlers, are trained by persons who have  
21 met those accreditation standards and utilize  
22 such minimum certification standards.

23 “(2) INCLUDED CANINES AND HANDLERS.—  
24 The canines and handlers referred to in paragraph  
25 (1) include—



1           “(A) canines that are not bred by the De-  
2           partment;

3           “(B) canines and handlers that are not  
4           trained by the Department; and

5           “(C) canine and handlers that are obtained  
6           by the Department by contract, or funded by  
7           the Department by grant or otherwise.

8           “(3) RECOMMENDATIONS.—

9           “(A) PANEL.—The Secretary shall convene  
10          a panel that will develop recommendations for  
11          the accreditation and minimum certification  
12          standards under this subsection, which shall  
13          consist of canine training subject matter ex-  
14          perts, including representatives from the private  
15          sector and academia, as designated by the Sec-  
16          retary.

17          “(B) RECOMMENDATIONS.—The rec-  
18          ommendations shall consist of a multitier set of  
19          standards designed to provide minimum accred-  
20          itation and certification standards, as well as a  
21          higher level of standards based on mission-crit-  
22          ical objectives of the components that use explo-  
23          sives detection canines. The standards shall ad-  
24          dress both initial and recurrent training and  
25          certification.

1                   “(C) REVIEW AND REVISION.—After provi-  
2                   sion of the recommendations, the panel shall  
3                   meet no less than biennially to review and re-  
4                   vise the recommendations.

5                   “(4) AUTHORIZATION OF APPROPRIATIONS.—  
6                   To carry out this subsection there is authorized to  
7                   be appropriated \$300,000 for fiscal year 2012.”.

8                   (b) DEADLINE FOR STANDARDS.—The Secretary of  
9                   Homeland Security shall issue accreditation and minimum  
10                  certification standards under the amendment made by  
11                  subsection (a) by not later than 180 days after the date  
12                  of enactment of this Act.

13   **SEC. 110. DEVELOPMENT OF A BALANCED WORKFORCE.**

14                  (a) COMPONENT STRATEGIES.—Each component of  
15                  the Department shall coordinate with the Chief Human  
16                  Capital Officer of the Department to develop its own 5-  
17                  year workforce strategy that will support the Depart-  
18                  ment’s goals, objectives, and performance measures for de-  
19                  termining the proper balance of Federal employees and  
20                  private labor resources.

21                  (b) STRATEGY REQUIREMENTS.—The Chief Human  
22                  Capital Officer shall ensure that in the development of the  
23                  strategy required by subsection (a) for a component the  
24                  head of the component reports to the Chief Human Cap-  
25                  ital Officer on the human resources considerations associ-

1 ated with creating additional Federal full-time equivalent  
2 positions, converting private contractors to Federal em-  
3 ployees, or relying on the private sector for goods and  
4 services, including—

5 (1) hiring projections, including occupation and  
6 grade level, as well as corresponding salaries, bene-  
7 fits, and hiring or retention bonuses;

8 (2) the identification of critical skills require-  
9 ments over the 5-year period, any current or antici-  
10 pated deficiency in critical skills required at the De-  
11 partment, and the training or other measures re-  
12 quired to address those deficiencies in skills;

13 (3) recruitment of qualified candidates and re-  
14 tention of qualified employees;

15 (4) supervisory and management requirements;

16 (5) travel and related personnel support costs;

17 (6) the anticipated cost and impact on mission  
18 performance associated with replacing Federal per-  
19 sonnel due to their retirement or other attrition; and

20 (7) other appropriate factors.

21 (c) ANNUAL SUBMISSION.—The Department shall  
22 provide to the appropriate congressional committees, to-  
23 gether with submission of the annual budget justification,  
24 information on the progress within the Department of ful-

1 filling the workforce strategies required under subsection  
2 (a).

3 **TITLE II—DEPARTMENT OF**  
4 **HOMELAND SECURITY ACQUI-**  
5 **SITION POLICY**

6 **SEC. 201. DEPARTMENT OF HOMELAND SECURITY ACQUI-**  
7 **SITIONS AND PROCUREMENT REVIEW.**

8 (a) IN GENERAL.—Title VII of the Homeland Secu-  
9 rity Act of 2002 (6 U.S.C. 341 et seq.), is amended by  
10 adding at the end the following:

11 **“SEC. 708. DEPARTMENT ACQUISITIONS AND PROCURE-**  
12 **MENT REVIEW.**

13 “(a) IN GENERAL.—The Secretary shall review the  
14 proposed acquisitions and procurements by the Depart-  
15 ment.

16 “(b) PURPOSE.—The review under subsection (a)  
17 shall inform the Department’s investment decisions, evalu-  
18 ate lifecycles of procurements, strengthen acquisition over-  
19 sight, and improve resource management in a risk-based  
20 manner.

21 “(c) ACQUISITION REVIEW BOARD.—

22 “(1) ESTABLISHMENT.—The Secretary shall es-  
23 tablish an Acquisition Review Board for the purpose  
24 of carrying out the review of proposed acquisitions  
25 and procurements required under subsection (a).

1           “(2) MEMBERSHIP.—The Secretary shall des-  
2           ignate appropriate officers from throughout the De-  
3           partment to serve on the Acquisition Review Board,  
4           including an appointee to serve as chair of the  
5           Board.

6           “(3) SUBORDINATE BOARDS AND COUNCILS.—  
7           The Secretary may establish subordinate boards and  
8           councils to support the Acquisition Review Board.

9           “(d) INVESTMENT THRESHOLDS.—The Secretary  
10          may establish materiality thresholds for the review of in-  
11          vestments by the Acquisition Review Board or any subor-  
12          dinate board or council.

13          “(e) REPORTING REQUIREMENT.—The Secretary  
14          shall submit to the appropriate congressional committees  
15          an annual report, broken down on a quarterly basis, on  
16          the activities of the Acquisition Review Board, including  
17          detailed descriptions of and statistics on programs and ac-  
18          tivities reviewed by the Acquisition Review Board.”.

19          (b) INITIAL REPORT.—Not later than 90 days after  
20          the date of enactment of this Act, the Secretary of Home-  
21          land Security shall submit a report to the appropriate con-  
22          gressional committees on the processes and protocols im-  
23          plemented to carry out the review required under the  
24          amendment made by subsection (a).

1 (c) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of the Homeland Security Act of 2002 (6  
3 U.S.C. 101 et seq.) is amended by adding at the end of  
4 the items relating to title VII the following:

“Sec. 708. Department acquisitions and procurement review.”.

5 **SEC. 202. CAPABILITIES AND REQUIREMENTS COUNCIL.**

6 (a) IN GENERAL.—Title VII of the Homeland Secu-  
7 rity Act of 2002 (6 U.S.C. 181 et seq.) is further amended  
8 by adding at the end the following new section:

9 **“SEC. 709. CAPABILITIES AND REQUIREMENTS COUNCIL.**

10 “(a) ESTABLISHMENT.—There is established a Capa-  
11 bilities and Requirements Council in the Department.

12 “(b) MISSION.—The Capabilities and Requirements  
13 Council shall provide recommendations and assistance to  
14 the Secretary for the following:

15 “(1) Identifying, assessing, and approving  
16 homeland security investments and acquisition re-  
17 quirements, including investments in and require-  
18 ments for existing programs, systems, and equip-  
19 ment, to meet homeland security strategic goals and  
20 objectives.

21 “(2) Harmonizing common investments and re-  
22 quirements across Department organizational ele-  
23 ments.

1           “(3) Reviewing the mission need associated  
2           with each proposed investment or acquisition re-  
3           quirement identified under paragraph (1).

4           “(4) Reviewing major investments across the  
5           Department to ensure consistency with homeland se-  
6           curity strategic goals and objectives.

7           “(5) Ensuring the use of cost-benefit analyses,  
8           giving consideration to factors such as cost, sched-  
9           ule, performance, risk, and operational efficiency, in  
10          order to determine the most viable homeland secu-  
11          rity investments or acquisition requirements identi-  
12          fied under paragraph (1).

13          “(6) Establishing and assigning priority levels  
14          for the homeland security investments and require-  
15          ments identified under paragraph (1), in consulta-  
16          tion with advisors to the Council engaged under sub-  
17          section (d).

18          “(7) Reviewing the estimated level of resources  
19          required to fulfill the homeland security require-  
20          ments identified under paragraph (1) and to ensure  
21          that such resource level is consistent with the level  
22          of priority assigned to such requirement.

23          “(8) Proposing schedules for delivery of the  
24          operational capability needed to meet each homeland  
25          security requirement identified under paragraph (1).

1           “(9) Identifying alternatives to any acquisition  
2           program that meet homeland security requirements  
3           identified under paragraph (1).

4           “(10) Providing recommendations to the Acqui-  
5           sition Review Board established under section 708.

6           “(11) Performing any other duties established  
7           by the Secretary.

8           “(c) COMPOSITION.—The Capabilities and Require-  
9           ments Council is composed of—

10           “(1) the Under Secretary for Management of  
11           the Department, who shall act as the Chairman of  
12           the Council; and

13           “(2) appropriate representatives from the com-  
14           ponents and organizational elements of the Depart-  
15           ment, as determined by the Secretary.

16           “(d) ADVISORS.—The Council shall seek and consider  
17           input from members of Federal, State, local, and tribal  
18           governments, and the private sector, as appropriate, on  
19           matters within their authority and expertise in carrying  
20           out its mission under subsection (b).”.

21           (b) CLERICAL AMENDMENT.—The table of contents  
22           in section 1(b) of such Act is further amended by adding  
23           at the end of the items relating to title VII the following:

          “Sec. 709. Capabilities and Requirements Council.”.



1 **SEC. 203. ACQUISITION AUTHORITIES FOR THE UNDER SEC-**  
2 **RETARY FOR MANAGEMENT.**

3 (a) IN GENERAL.—Section 701 of the Homeland Se-  
4 curity Act of 2002 (6 U.S.C. 341) is amended—

5 (1) in subsection (a)(2), by striking “Procure-  
6 ment” and inserting “Acquisition, as provided in  
7 subsection (d)”;

8 (2) by adding at the end the following:

9 “(d) ACQUISITION AND RELATED RESPONSIBIL-  
10 ITIES.—

11 “(1) IN GENERAL.—The Under Secretary for  
12 Management shall act as the senior acquisition offi-  
13 cer for the Department and shall administer func-  
14 tions relating to acquisition, including—

15 “(A) supervising the management of De-  
16 partment acquisition activities and acquisition  
17 programs, evaluating the performance of those  
18 activities and programs, and advising the Sec-  
19 retary regarding the appropriate risk-based ac-  
20 quisition strategy to achieve the mission of the  
21 Department;

22 “(B) directing all of the Department’s  
23 components with regard to the Under Sec-  
24 retary’s responsibility under this subsection;

25 “(C) establishing policies for acquisition  
26 that implement a risk-based approach, as ap-

1           appropriate, including investment review, program  
2           management, procurement of goods and serv-  
3           ices, research and development, and contract  
4           administration, for all components of the De-  
5           partment;

6           “(D) establishing policies for logistics,  
7           maintenance, and sustainment support for all  
8           components of the Department; and

9           “(E) prescribing policies to ensure that  
10          audit and oversight of contractor activities are  
11          coordinated and carried out in a risk-based  
12          manner that prevents redundancies among the  
13          different components of the Department.

14          “(2) UNDER SECRETARY FOR SCIENCE AND  
15          TECHNOLOGY.—Nothing in this subsection shall di-  
16          minish or otherwise affect the authority granted to  
17          the Under Secretary for Science and Technology  
18          under this Act. The Under Secretary for Manage-  
19          ment and the Under Secretary for Science and  
20          Technology shall cooperate in matters of mutual in-  
21          terest related to the subjects addressed by this sub-  
22          section.”.

23          (b) REPORT TO CONGRESS.—The Under Secretary  
24          for Management shall report to Congress within 180 days  
25          after the date of the enactment of this Act on a com-

1 prehensive acquisition management plan for the Depart-  
2 ment, including performance metrics, to—

3 (1) improve collaboration, coordination, and  
4 awareness of technologies and capabilities across  
5 components of the Department, the Federal Govern-  
6 ment, universities, and the private sector when de-  
7 veloping program requirements for acquisitions by  
8 the Department;

9 (2) evaluate the reasons for modifying program  
10 requirements after an award of a contract and ana-  
11 lyze the need for modifications and whether modi-  
12 fications would lead to contract cost overruns and  
13 time delays;

14 (3) ensure regular communication with and  
15 support from State and local entities when devel-  
16 oping program requirements and modifying program  
17 requirements;

18 (4) provide increased oversight and manage-  
19 ment on identified high-risk acquisitions;

20 (5) evaluate the turnover rate of program man-  
21 agers and contracting officers throughout a contract  
22 and its impact on program requirement modifica-  
23 tions, cost overruns, and time delays; and

24 (6) evaluate the time it takes between first de-  
25 veloping program requirements, through the acquisi-

1       tion review process, up until a contract award is  
2       made.

3   **SEC. 204. ACQUISITION PROFESSIONAL CAREER PROGRAM.**

4       (a) IN GENERAL.—Title VII of the Homeland Secu-  
5   rity Act of 2002 (6 U.S.C. 341 et seq.) is further amended  
6   by adding at the end the following new section:

7   **“SEC. 710. ACQUISITION PROFESSIONAL CAREER PRO-**  
8                   **GRAM.**

9       “(a) ESTABLISHMENT.—The Secretary may establish  
10   at the Department an Acquisition Professional Career  
11   Program for the recruitment, training, and retention of  
12   acquisition professionals for the Department.

13       “(b) PROGRAM.—The program established under  
14   subsection (a) shall rotate participants through various  
15   headquarters and component acquisition and program of-  
16   fices to assure that participants receive broad experience  
17   and developmental training throughout the Department.

18       “(c) ACQUISITION PROFESSIONAL.—An acquisition  
19   professional shall include, but is not limited to, an indi-  
20   vidual employed by the Department as a contract spe-  
21   cialist, program manager, or technical representative of a  
22   contracting office.

23       “(d) LIMIT.—Subject to appropriations, the Sec-  
24   retary may not hire more than 100 participants for the

1 program established under subsection (a) in each fiscal  
2 year from 2012 to 2015.”.

3 (b) CLERICAL AMENDMENT.—The table of contents  
4 in section 1(b) of such Act is further amended by adding  
5 at the end of the items relating to such title the following  
6 new item:

“Sec. 710. Acquisition Professional Career Program.”.

7 **SEC. 205. STRATEGIC PLAN FOR ACQUISITION WORK-**  
8 **FORCE.**

9 (a) STRATEGIC PLAN.—Not later than 180 days after  
10 the date of enactment of this Act, the Chief Procurement  
11 Officer and the Chief Human Capital Officer of the De-  
12 partment of Homeland Security shall submit to the appro-  
13 priate congressional committees a 5-year strategic plan for  
14 the acquisition workforce of the Department.

15 (b) ELEMENTS OF PLAN.—The plan required under  
16 subsection (a) shall—

17 (1) designate the acquisition positions that will  
18 be necessary to support the Department acquisition  
19 requirements, including in the fields of—

20 (A) program management;

21 (B) systems planning, research, develop-  
22 ment, engineering, and testing;

23 (C) procurement, including contracting;

24 (D) industrial property management;

25 (E) logistics;

- 1 (F) quality control and assurance;
- 2 (G) manufacturing and production;
- 3 (H) business, cost estimating, financial
- 4 management, and auditing;
- 5 (I) education, training, and career develop-
- 6 ment;
- 7 (J) construction; and
- 8 (K) joint projects with other Government
- 9 agencies and foreign countries;

10 (2) identify acquisition workforce needs of each  
11 Department component performing acquisition func-  
12 tions and develop a schedule for filling those needs;

13 (3) include departmental guidance and risk-  
14 based policies on the use of contractors to perform  
15 acquisition functions;

16 (4) summarize the recruitment, hiring, training,  
17 and retention of the workforce identified in para-  
18 graph (2); and

19 (5) establish goals for achieving integration and  
20 consistency with Governmentwide training and ac-  
21 creditation standards, acquisition training tools, and  
22 training facilities.

23 (c) OTHER ACQUISITION POSITIONS.—The Chief Ac-  
24 quisition Officer of the Department may, as appropriate,  
25 designate as acquisition positions those additional posi-

1 tions that perform significant acquisition-related functions  
2 within that component of the Department.

3 **SEC. 206. NOTIFICATION TO CONGRESS OF MAJOR AWARDS.**

4 (a) IN GENERAL.—Title VII of the Homeland Secu-  
5 rity Act of 2002 (6 U.S.C. 341 et seq.) is further amended  
6 by adding at the end the following new section:

7 **“SEC. 711. NOTIFICATION TO CONGRESS OF MAJOR PRO-**  
8 **CUREMENT AWARDS.**

9 “(a) REPORTING OF SIGNIFICANT CONTRACTS.—The  
10 Secretary shall notify the appropriate congressional com-  
11 mittees at least 3 business days prior to—

12 “(1) making a contract award, other trans-  
13 action agreement, or task and delivery order exceed-  
14 ing \$10,000,000; or

15 “(2) announcing the intention to make such an  
16 award.

17 “(b) EXCEPTION.—If the Secretary determines that  
18 compliance with this section would pose a substantial risk  
19 to homeland security, an award may be made without the  
20 notification required by subsection (a) if the Secretary no-  
21 tifies the appropriate congressional committees by not  
22 later than 5 business days after such award is made.”.

23 (b) CLERICAL AMENDMENT.—The table of contents  
24 in section 1(b) of such Act is further amended by adding

1 at the end of the items relating to such title the following  
2 new item:

“Sec. 711. Notification to Congress of major procurement awards.”.

3 **SEC. 207. INDEPENDENT VERIFICATION AND VALIDATION.**

4 (a) IN GENERAL.—Title VII of the Homeland Secu-  
5 rity Act of 2002 (6 U.S.C. 341 et seq.) is further amended  
6 by adding at the end the following new section:

7 **“SEC. 712. INDEPENDENT VERIFICATION AND VALIDATION.**

8 “(a) IN GENERAL.—The Under Secretary for Man-  
9 agement shall establish a process to provide for the evalua-  
10 tion of the integrity and quality of major acquisitions, to  
11 be conducted independently by personnel with no involve-  
12 ment or interest in the underlying acquisitions.

13 “(b) REQUIREMENT FOR GUIDANCE.—The Under  
14 Secretary for Management shall create a transparent ac-  
15 quisition process by making available to the public written  
16 guidance that provides the following:

17 “(1) Criteria for applying and planning inde-  
18 pendent verification and validation, including appro-  
19 priate thresholds above which acquisitions may not  
20 proceed without independent verification and valida-  
21 tion unless authorized to do so by the Acquisition  
22 Review Board established under section 708.

23 “(2) Procedures for ensuring the managerial, fi-  
24 nancial, and technical independence of providers of  
25 independent verification and validation.



1           “(3) Methods for integrating independent  
2       verification and validation results into program man-  
3       agement.

4       “(c) REPORTING TO CONGRESS.—The annual report  
5       required by section 708(e) shall—

6           “(1) identify any acquisition that is granted ini-  
7       tial approval to proceed by the Acquisition Review  
8       Board without undergoing the process to establish  
9       independent verification and validation required  
10      under this section; and

11          “(2) provide an explanation of the decision not  
12      to employ independent verification and validation.”.

13      (b) DEADLINE.—The Under Secretary for Manage-  
14      ment shall establish the process required by the amend-  
15      ment made by subsection (a) not later than 180 days after  
16      the date of the enactment of this Act.

17      (c) CLERICAL AMENDMENT.—The table of contents  
18      in section 1(b) of such Act is further amended by adding  
19      at the end of the items relating to such title the following  
20      new item:

        “Sec. 712. Independent verification and validation.”.

21      **SEC. 208. OTHER TRANSACTION AUTHORITY.**

22      Section 831 of the Homeland Security Act of 2002  
23      (6 U.S.C. 391) is amended—

1           (1) in subsection (a), by striking “Until Sep-  
2           tember 30, 2010” and inserting “Until September  
3           30, 2016”;

4           (2) in subsection (b), by striking “Not later  
5           than 2 years after the effective date of this Act, and  
6           annually thereafter” and inserting “Not later than  
7           September 30, 2015”; and

8           (3) in subsection (d)(1), by striking “September  
9           30, 2010” and inserting “September 30, 2016”.

10 **SEC. 209. REPORT ON COMPETITION.**

11           Not later than 180 days after the date of the enact-  
12           ment of this Act, the Inspector General of the Department  
13           of Homeland Security shall prepare a report analyzing the  
14           use of competition in the award of contracts by the De-  
15           partment under the requirements of the Competition in  
16           Contracting Act (41 U.S.C. 3301 et seq.), which shall in-  
17           clude—

18           (1) for each component of the Department—

19                   (A) the total number and dollar value of  
20                   new contracts for each of the last three full fis-  
21                   cal years for which data is available; and

22                   (B) of that total number, the number of  
23                   contracts that were either—

24                           (i) entered into without full and open  
25                           competition; or

1 (ii) awarded under competition after  
2 receipt of only one offer;

3 (2) a statistical analysis of statutory exceptions  
4 used to enter contracts without full and open com-  
5 petition;

6 (3) a discussion of the trends in competition in  
7 each component of the Department; and

8 (4) a comparison of the percentage of contracts  
9 awarded under full and open competition by the De-  
10 partment and the percentage of contracts awarded  
11 under full and open competition by other Federal de-  
12 partments and agencies.

13 **TITLE III—INFORMATION SHAR-**  
14 **ING AND INTELLIGENCE**  
15 **ANALYSIS**

16 **SEC. 301. DEPARTMENT OF HOMELAND SECURITY NA-**  
17 **TIONAL NETWORK OF FUSION CENTERS INI-**  
18 **TIATIVE.**

19 (a) AMENDMENTS TO ESTABLISH NETWORK.—

20 (1) AMENDMENTS.—Section 210A of the  
21 Homeland Security Act of 2002 (6 U.S.C. 124h) is  
22 amended—

23 (A) by striking the section heading and in-  
24 serting the following:

1 **“SEC. 210A. DEPARTMENT OF HOMELAND SECURITY NA-**  
2 **TIONAL NETWORK OF FUSION CENTERS INI-**  
3 **TIATIVE.”;**

4 (B) in subsection (a), by striking “a De-  
5 partment of Homeland Security State, Local,  
6 and Regional Fusion Center Initiative to estab-  
7 lish partnerships with State, local, and regional  
8 fusion centers” and inserting “a Department of  
9 Homeland Security National Network of Fusion  
10 Centers Initiative to establish partnerships with  
11 State and major urban area fusion centers”;

12 (C) by amending subsection (b) to read as  
13 follows:

14 “(b) INTERAGENCY SUPPORT AND COORDINATION.—  
15 Through the Department of Homeland Security National  
16 Network of Fusion Centers Initiative, principal officials of  
17 participating State and major urban area fusion centers,  
18 and the officers designated as the Homeland Security Ad-  
19 visors of the States, the Secretary shall—

20 “(1) coordinate with other Federal departments  
21 and agencies to provide operational and intelligence  
22 advice and assistance to the National Network of  
23 Fusion Centers;

24 “(2) support the integration of State and major  
25 urban area fusion centers into the information shar-  
26 ing environment and the National Prevention

1 Framework as required by Presidential Policy Direc-  
2 tive 8;

3 “(3) oversee the maturation and sustainment of  
4 the National Network of Fusion Centers, including  
5 the development of a fusion center performance  
6 management program and exercises to assess the ca-  
7 pability of individual fusion centers, the statewide  
8 fusion process, and the national network;

9 “(4) reduce inefficiencies and maximize the ef-  
10 fectiveness of Federal resource support;

11 “(5) develop criteria for designating fusion cen-  
12 ters that enables the most effective allocation of  
13 Federal resources and aligns with priorities of the  
14 Department as determined by the Secretary;

15 “(6) coordinate with the Nationwide Suspicious  
16 Activity Reporting Initiative to ensure information  
17 within the scope of the information sharing environ-  
18 ment created under section 1016 of the Intelligence  
19 Reform and Terrorism Prevention Act of 2004 (6  
20 U.S.C. 485) gathered by the National Network of  
21 Fusion Centers is incorporated into the Depart-  
22 ment’s information resources;

23 “(7) provide management guidance and assist-  
24 ance to the National Network of Fusion Centers;

1           “(8) serve as a point of contact for and effective  
2           dissemination of information within the scope of  
3           such information sharing environment to the Na-  
4           tional Network of Fusion Centers;

5           “(9) serve as the single point of contact to ensure  
6           the close communication and coordination between  
7           the National Network of Fusion Centers and  
8           the Department;

9           “(10) provide the National Network of Fusion  
10          Centers with expertise on Department resources and  
11          operations;

12          “(11) coordinate the provision of training and  
13          technical assistance to the National Network of Fusion  
14          Centers and encourage fusion centers in such  
15          Network to participate in terrorism threat-related  
16          exercises conducted by the Department;

17          “(12) ensure, to the greatest extent practicable,  
18          that support to fusion centers in such network is reflected  
19          as a national priority in all applicable grant  
20          guidance;

21          “(13) ensure that each fusion center in such  
22          network has a privacy policy approved by the Chief  
23          Privacy Officer of the Department; and

24          “(14) carry out such other duties as the Secretary  
25          determines are appropriate.”;

1 (D) in subsection (c), by striking so much  
2 as precedes paragraph (3)(B) and inserting the  
3 following:

4 “(c) RESOURCE ALLOCATION.—

5 “(1) RESPONSIBILITIES OF UNDER SEC-  
6 RETARY.—

7 “(A) IN GENERAL.—The Under Secretary  
8 for Intelligence and Analysis shall—

9 “(i) lead Department efforts to ensure  
10 fusion centers in the Network are the pri-  
11 mary focal points for the sharing of ter-  
12 rorism-related information with State and  
13 local entities; and

14 “(ii) ensure that, as appropriate, oper-  
15 ational, programmatic, and administrative  
16 resources, including intelligence officers,  
17 intelligence analysts, reporting officers,  
18 and other liaisons from components of the  
19 Department are provided to qualifying  
20 State and major urban area fusion centers.

21 “(B) GRANT GUIDANCE.—The Under Sec-  
22 retary for Intelligence and Analysis shall pro-  
23 vide guidance on fusion centers to the Adminis-  
24 trator of the Federal Emergency Management

1 Agency in accordance with the memorandum of  
2 understanding required under section 210F.

3 “(2) SOURCES OF SUPPORT.—

4 “(A) IN GENERAL.—Resources allocated  
5 under this subsection to fusion centers in the  
6 Network shall be provided by the following De-  
7 partment components and offices, in coordina-  
8 tion with the respective component head and in  
9 consultation with the principal officials of fu-  
10 sion centers in the Network:

11 “(i) The Office of Intelligence and  
12 Analysis.

13 “(ii) The Office of Infrastructure Pro-  
14 tection.

15 “(iii) The Transportation Security  
16 Administration.

17 “(iv) U.S. Customs and Border Pro-  
18 tection.

19 “(v) U.S. Immigration and Customs  
20 Enforcement.

21 “(vi) The Coast Guard.

22 “(vii) The Privacy Office of the De-  
23 partment.

24 “(viii) The Office for Civil Rights and  
25 Civil Liberties of the Department.



1 “(ix) Other components or offices of  
2 the Department, as determined by the Sec-  
3 retary.

4 “(B) COORDINATION WITH OTHER FED-  
5 ERAL AGENCIES.—The Under Secretary for In-  
6 telligence and Analysis shall coordinate with ap-  
7 propriate officials throughout the Federal gov-  
8 ernment to ensure the relevant deployment of  
9 representatives of other Federal departments  
10 and agencies.

11 “(3) RESOURCE ALLOCATION CRITERIA.—

12 “(A) IN GENERAL.—The Secretary shall  
13 make available criteria for allocating resources  
14 referred to in paragraph (1)(A)(ii) to any fusion  
15 center in the Network.”;

16 (E) by adding the following at the end of  
17 subsection (c)(3)(B):

18 “(vi) whether the fusion center has  
19 privacy protections in place that are deter-  
20 mined to be at least as comprehensive as  
21 the Federal information sharing environ-  
22 ment privacy guidelines in effect on the  
23 date of the enactment.”;

24 (F) in subsection (e)—

1 (i) by amending paragraph (1) to read  
2 as follows:

3 “(1) IN GENERAL.—The Secretary shall make  
4 it a priority to allocate resources, including deployed  
5 personnel, under this section from U.S. Customs and  
6 Border Protection, U.S. Immigration and Customs  
7 Enforcement, and the Coast Guard to participating  
8 State and major urban area fusion centers located in  
9 jurisdictions along land or maritime borders of the  
10 United States in order to enhance the integrity of  
11 and security at such borders by helping Federal,  
12 State, local, and tribal law enforcement authorities  
13 to identify, investigate, and otherwise interdict per-  
14 sons, weapons, and related contraband that pose a  
15 threat to homeland security.”; and

16 (ii) in paragraph (2), by striking  
17 “participating State, local, and regional fu-  
18 sion centers” and inserting “participating  
19 State and major urban area fusion cen-  
20 ters”;

21 (G) by redesignating subsections (f), (g),  
22 (h), (i), (j), and (k) as subsections (g), (h), (i),  
23 (j), (k), and (l), respectively, and inserting after  
24 subsection (e) the following new subsection:

25 “(f) MASS TRANSIT INTELLIGENCE PRIORITY.—

1           “(1) IN GENERAL.—To the greatest extent  
2           practicable, the Secretary shall, under this section,  
3           assign personnel with expertise in security of mass  
4           transit systems to participating State and major  
5           urban area fusion centers located in high-risk juris-  
6           dictions with mass transit systems.

7           “(2) MASS TRANSIT INTELLIGENCE PROD-  
8           UCTS.—In performing the responsibilities under sub-  
9           section (d), officers and intelligence analysts as-  
10          signed to fusion centers in the Network shall, as a  
11          primary responsibility, create mass transit intel-  
12          ligence products that—

13                 “(A) assist State, local, and tribal law en-  
14                 forcement agencies in detecting and interdicting  
15                 terrorists, weapons of mass destruction, and re-  
16                 lated contraband traveling on mass transit sys-  
17                 tems or targeting mass transit systems;

18                 “(B) promote consistent and timely shar-  
19                 ing of mass transit security-relevant informa-  
20                 tion among jurisdictions with mass transit sys-  
21                 tems; and

22                 “(C) enhance the Department’s situational  
23                 awareness of the threat of acts of terrorism at  
24                 or involving mass transit systems.

1           “(3) DECONFLICTION.—In performing the re-  
2           sponsibilities under subsection (d), officers and intel-  
3           ligence analysts assigned to fusion centers in the  
4           Network shall assist Federal, State, local, and tribal  
5           law enforcement authorities overseeing the security  
6           of mass transit systems with resolving conflicting  
7           threat information provided by Federal Government  
8           sources.”;

9           (H) by amending subsection (j), as so re-  
10          designated, to read as follows:

11         “(j) GUIDELINES.—The Secretary, in consultation  
12         with the Attorney General, shall—

13                 “(1) ensure the consistent application of guid-  
14                 ance for identifying baseline capabilities and oper-  
15                 ational standards that must be achieved by a fusion  
16                 center to participate in the Network; and

17                 “(2) ensure that such guidance aligns with and  
18                 is mutually supportive of the role of fusion centers  
19                 in the National Prevention Framework.”; and

20                 (I) in subsection (l), as so redesignated, by  
21                 striking “subsection (i)” and inserting “sub-  
22                 section (j)”.

23         (2) CLERICAL AMENDMENT.—The table of con-  
24         tents in section 1(b) of such Act is amended by

1 striking the item relating to such section and insert-  
2 ing the following:

“Sec. 210A. Department of Homeland Security National Network of Fusion  
Centers Initiative.”.

3 (b) MEMORANDUM OF UNDERSTANDING ON FUSION  
4 CENTERS.—

5 (1) IN GENERAL.—Subtitle A of title II of the  
6 Homeland Security Act of 2002 (6 U.S.C. 121 et  
7 seq.) is amended by adding at the end the following:

8 **“SEC. 210G. MEMORANDUM OF UNDERSTANDING ON FU-**  
9 **SION CENTERS.**

10 “The Administrator of the Federal Emergency Man-  
11 agement Agency shall enter into a memorandum of under-  
12 standing with the Under Secretary for Intelligence and  
13 Analysis that delineates the roles and responsibilities of  
14 their respective organizations with respect to policy and  
15 guidance for fusion center-related expenditures with grant  
16 funds.”.

17 (2) CLERICAL AMENDMENT.—The table of con-  
18 tents in section 1(b) of such Act is amended by add-  
19 ing at the end of the items relating to such subtitle  
20 the following:

“Sec. 21GA. Memorandum of understanding on fusion centers.”.

1   **SEC. 302. HOMELAND SECURITY INFORMATION SHARING**  
2                   **NETWORKS DEVELOPMENT.**

3           (a) STRATEGY.—Within 180 days after the date of  
4 the enactment of this Act, the Secretary of Homeland Se-  
5 curity shall develop a comprehensive strategy for the co-  
6 ordinated development and deployment of unclassified,  
7 sensitive but unclassified, and classified information shar-  
8 ing computer networks of the Department of Homeland  
9 Security.

10          (b) PLAN.—

11               (1) IN GENERAL.—The strategy under sub-  
12 section (a) shall include a comprehensive plan for  
13 the further development, acquisition, and deploy-  
14 ment, and continual operations of—

15                   (A) the Homeland Security Information  
16               Network;

17                   (B) the Homeland Secure Data Network;  
18               and

19                   (C) the Homeland Top Secret Network.

20               (2) CONTENTS.—The plan shall include the fol-  
21       lowing:

22                   (A) cost estimates for the further develop-  
23               ment of the networks identified in paragraph  
24               (1);

25                   (B) development and acquisition schedules;

1 (C) a schedule for the decommissioning the  
2 legacy C-LAN system and transition to the  
3 Homeland Top Secret Network;

4 (D) a comprehensive list of systems re-  
5 quirements that meet strategic goals and De-  
6 partment-wide operational and analytical mis-  
7 sion requirements;

8 (E) a plan for standardizing and properly  
9 disseminating the networks across the Depart-  
10 ment;

11 (F) consideration for any homeland secu-  
12 rity computer system or database not listed in  
13 paragraph (1) that is currently in development  
14 or in operation in any component or office of  
15 the Department and that should be merged  
16 with or incorporated into one of the networks  
17 listed in paragraph (1) to eliminate redundancy,  
18 and a schedule for such merger or incorpora-  
19 tion; and

20 (G) a comprehensive plan for the coordi-  
21 nated deployment of the systems listed in para-  
22 graph (1), as considered appropriate by the  
23 Secretary, to—

24 (i) the Department of Homeland Se-  
25 curity Headquarters offices;

- 1 (ii) the Department of Homeland Se-  
2 curity component headquarters;  
3 (iii) the field elements of Department  
4 of Homeland Security components;  
5 (iv) the National Network of Fusion  
6 Centers;  
7 (v) State and local government enti-  
8 ties; and  
9 (vi) other Federal departments and  
10 agencies.

11 (c) REPORTING REQUIREMENT.—The Secretary shall  
12 report the strategy required by subsection (a) to the con-  
13 gressional homeland security committees within 30 days  
14 after it is completed.

15 **SEC. 303. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGE-**  
16 **MENT AT THE DEPARTMENT OF HOMELAND**  
17 **SECURITY INTELLIGENCE ELEMENTS.**

18 (a) IN GENERAL.—The Homeland Security Act of  
19 2002 (6 U.S.C. 101 et seq.) is amended by inserting after  
20 section 845 the following:



1 **“SEC. 846. AUTHORITY TO ESTABLISH EXCEPTED SERVICE**  
2 **POSITIONS WITHIN THE INTELLIGENCE COM-**  
3 **PONENTS OF THE DEPARTMENT OF HOME-**  
4 **LAND SECURITY.**

5 “(a) **AUTHORITY.**—The Secretary of Homeland Secu-  
6 rity may convert both unencumbered and encumbered  
7 competitive service positions, and the incumbents of any  
8 such positions, within the elements of the intelligence com-  
9 munity within the Department of Homeland Security, to  
10 excepted service positions as the Secretary determines nec-  
11 essary to carry out the intelligence functions of the De-  
12 partment.

13 “(b) **INCUMBENTS.**—Any incumbent currently occu-  
14 pying a position selected to be converted to the excepted  
15 service under this section shall have the right to refuse  
16 such conversion. Once such individual no longer occupies  
17 the position, the position may be converted to the excepted  
18 service.”.

19 (b) **REPORTING.**—The Secretary shall include infor-  
20 mation, together with submission of the annual budget  
21 justification, on the following:

22 (1) the challenge with filling vacancies of the  
23 positions referenced in subsection (a);

24 (2) the extent to which the authority provided  
25 under subsection (a) was utilized to fill those posi-  
26 tions; and

1           (3) any impact that the exercise of that author-  
2           ity had on diversity within the Department.

3           (c) CLERICAL AMENDMENT.—The table of contents  
4 in section 1(b) of the Homeland Security Act of 2002 (6  
5 U.S.C. 101(b)) is amended by inserting after the item re-  
6 lating to section 845 the following:

“Sec. 846. Authority to establish excepted service positions within the intel-  
ligence components of the Department of Homeland Security.”.

7                   **TITLE IV—9/11 REVIEW**  
8                   **COMMISSION**

9   **SEC. 401. SHORT TITLE.**

10           This title may be cited as the “9/11 Review Commis-  
11 sion Act”.

12   **SEC. 402. ESTABLISHMENT.**

13           There is established in the legislative branch a Na-  
14 tional Commission to Review the National Response Since  
15 the Terrorist Attacks of September 11, 2001 (referred to  
16 as the “9/11 Review Commission”).

17   **SEC. 403. PURPOSES OF THE 9/11 REVIEW COMMISSION.**

18           The 9/11 Review Commission shall conduct a com-  
19 prehensive review of the implementation of the rec-  
20 ommendations proposed in the report issued by the Na-  
21 tional Commission on Terrorist Attacks Upon the United  
22 States (commonly known as the “9/11 Commission”), as  
23 established pursuant to section 601 of the Intelligence Au-

1 thorization Act for Fiscal Year 2003 (Public Law 107–  
2 306). The review of the 9/11 Review Commission shall—

3 (1) assess the progress and challenges in car-  
4 rying out the recommendations of the 9/11 Commis-  
5 sion, including any relevant legislation, Executive  
6 order, regulation, plan, policy, practice, or procedure  
7 implemented since the attacks of September 11,  
8 2001;

9 (2) analyze the trends of domestic terror at-  
10 tacks since the attacks of September 11, 2001, in-  
11 cluding the growing influence of domestic radicaliza-  
12 tion and its causes, and recommendations on how  
13 Federal, State, and local agencies can deter and  
14 mitigate such radicalization;

15 (3) investigate whether there exists evidence  
16 that was not considered by the 9/11 Commission of  
17 any conduct, relationships, or other factors which  
18 served in any manner to contribute to, facilitate,  
19 support, or assist the hijackers who carried out the  
20 terrorist attacks of September 11, 2001; and

21 (4) provide additional recommendations with re-  
22 gard to protecting United States homeland security,  
23 ensuring interagency intelligence sharing, and other  
24 matters relating to counterterrorism policy.

1   **SEC. 404. COMPOSITION OF THE 9/11 REVIEW COMMISSION.**

2       The 9/11 Review Commission shall be composed of  
3   a chairman, to be appointed by the Speaker of the House  
4   of Representatives, and a vice chairman, to be appointed  
5   by the Majority Leader of the Senate.

6   **SEC. 405. AUTHORITY OF 9/11 REVIEW COMMISSION.**

7       (a) **HEARINGS AND EVIDENCE.**—The 9/11 Review  
8   Commission, or any panel acting on the authority of the  
9   9/11 Review Commission, may—

10           (1) hold hearings, take testimony, receive evi-  
11       dence, and administer oaths; and

12           (2) subject to subsection (b)(1), require, by sub-  
13       poena or otherwise, the attendance and testimony of  
14       such witnesses and the production of such books,  
15       records, correspondence, memoranda, electronic com-  
16       munications, papers, and documents, as the 9/11  
17       Review Commission or such designated panel may  
18       determine advisable.

19       (b) **SUBPOENA AUTHORITY.**—

20           (1) **ISSUANCE.**—Upon the agreement of the  
21       chairman and the vice chairman, the chairman may  
22       issue a subpoena to compel the production of docu-  
23       ments or sworn testimony.

24           (2) **PROCESS.**—Subpoenas issued pursuant to  
25       this subsection shall be signed by the chairman or

1 any person designated by the chairman, and may be  
2 served by any person designated by the chairman.

3 (3) ENFORCEMENT.—

4 (A) IN GENERAL.—In the event that any  
5 person fails to obey a subpoena issued pursuant  
6 to paragraph (1), the United States district  
7 court for the judicial district in which the sub-  
8 poenaed person resides, is served, or may be  
9 found, or where the subpoena is returnable,  
10 may issue an order requiring such person to ap-  
11 pear at any designated place to testify or to  
12 produce documentary or other evidence. Any  
13 person failing to obey the order of the court  
14 may be held in contempt of the court.

15 (B) ADDITIONAL ENFORCEMENT.—In the  
16 case of any failure of any witness to comply  
17 with any subpoena or to testify when sum-  
18 moned under authority of this section, the  
19 chairman may certify a statement of fact con-  
20 stituting such failure to the appropriate United  
21 States attorney, who may bring the matter be-  
22 fore the grand jury for its action, under the  
23 same statutory authority and procedures as if  
24 the United States attorney had received a cer-  
25 tification under sections 102 through 104 of the

1 Revised Statutes of the United States (2 U.S.C.  
2 192–194).

3 (c) INFORMATION FROM FEDERAL AGENCIES.—

4 (1) IN GENERAL.—The 9/11 Review Commis-  
5 sion is authorized to secure directly from any execu-  
6 tive department, bureau, agency, board, commission,  
7 office, independent establishment, or instrumentality  
8 of the Government, information, suggestions, esti-  
9 mates, and statistics for the purposes of this title.  
10 Each such department, bureau, agency, board, com-  
11 mission, office, independent establishment, or instru-  
12 mentality shall, to the extent authorized by law, fur-  
13 nish such information, suggestions, estimates, and  
14 statistics directly to the 9/11 Review Commission,  
15 upon request made by the chairman or the vice  
16 chairman.

17 (2) RECEIPT, HANDLING, STORAGE, AND DIS-  
18 SEMINATION.—Information shall only be received,  
19 handled, stored, and disseminated by the 9/11 Re-  
20 view Commission, including its staff, in accordance  
21 with all applicable statutes, regulations, and Execu-  
22 tive orders.

23 (d) ADVISORY PANELS.—The chairman may estab-  
24 lish advisory panels composed of individuals, including  
25 such experts as the chairman determines appropriate, who

1 may undertake investigations, evaluate evidence, make  
2 findings, and provide recommendations to the 9/11 Review  
3 Commission.

4 (e) CONTRACTING.—The 9/11 Review Commission  
5 may, to such extent and in such amounts as are provided  
6 in by appropriations, enter into contracts to enable the  
7 Commission to discharge its duties under this title.

8 (f) ASSISTANCE FROM FEDERAL AGENCIES.—

9 (1) GENERAL SERVICES ADMINISTRATION.—

10 The Administrator of General Services shall provide  
11 to the 9/11 Review Commission, on a reimbursable  
12 basis, administrative support and other services for  
13 the performance of the 9/11 Review Commission's  
14 functions.

15 (2) OTHER DEPARTMENTS AND AGENCIES.—In  
16 addition to the assistance prescribed in paragraph  
17 (1), the heads of Federal departments and agencies  
18 may provide to the 9/11 Review Commission such  
19 services, funds, facilities, staff, and other support  
20 services as such heads may determine advisable and  
21 as may be authorized by law.

22 (g) POSTAL SERVICES.—The 9/11 Review Commis-  
23 sion may use the United States mails in the same manner  
24 and under the same conditions as Federal departments  
25 and agencies.

1   **SEC. 406. COMPENSATION.**

2           The chairman and vice chairman of the 9/11 Review  
3 Commission may receive compensation in an amount not  
4 to exceed the daily equivalent of the annual rate of basic  
5 pay in effect for a position at level IV of the Executive  
6 Schedule under section 5315 of title 5, United States  
7 Code, for each day during which the chairman or vice  
8 chairman, as the case may be, is engaged in the actual  
9 performance of the duties of the 9/11 Review Commission.

10   **SEC. 407. APPOINTMENT OF STAFF.**

11           (a) IN GENERAL.—The chairman, in consultation  
12 with the vice chairman and in accord with any rule agreed  
13 upon by the 9/11 Review Commission, may appoint and  
14 fix the compensation of a staff director and such other  
15 personnel as may be necessary to enable the 9/11 Review  
16 Commission to carry out its functions, without regard to  
17 the provisions of title 5, United States Code, governing  
18 appointments in the competitive service, and without re-  
19 gard to the provisions of chapter 51 and subchapter III  
20 of chapter 53 of such title relating to classification and  
21 General Schedule pay rates, except that no rate of pay  
22 fixed under this subsection may exceed the equivalent of  
23 that payable for a position at level V of the Executive  
24 Schedule under section 5316 of title 5, United States  
25 Code.



1 (b) TRAVEL EXPENSES.—While away from their  
2 homes or regular places of business in the performance  
3 of services for the 9/11 Review Commission, members and  
4 staff of the Commission shall be allowed travel expenses,  
5 including per diem in lieu of subsistence, in the same man-  
6 ner as persons employed intermittently in the Government  
7 service are allowed expenses under section 5703(b) of title  
8 5, United States Code.

9 (c) STAFF AS FEDERAL EMPLOYEES.—

10 (1) IN GENERAL.—Any staff receiving com-  
11 pensation under this section shall be employees  
12 under section 2105 of title 5, United States Code,  
13 for purposes of chapters 63, 81, 83, 84, 85, 87, 89,  
14 and 90 of such title.

15 (2) MEMBERS OF COMMISSION.—Paragraph (1)  
16 shall not be construed to apply to the chairman or  
17 vice chairman.

18 (d) DETAILEES.—Any Federal Government employee  
19 may be detailed to the 9/11 Review Commission without  
20 reimbursement from the 9/11 Review Commission, and  
21 such detailee shall retain the rights, status, and privileges  
22 of his or her regular employment without interruption.

23 (e) CONSULTANT SERVICES.—The 9/11 Review Com-  
24 mission is authorized to procure the services of experts  
25 and consultants in accordance with section 3109 of title

1 5, United States Code, but at rates not to exceed the daily  
2 rate paid to a person occupying a position at level IV of  
3 the Executive Schedule under section 5315 of title 5,  
4 United States Code.

5 **SEC. 408. SECURITY CLEARANCES FOR COMMISSION MEM-**  
6 **BERS AND STAFF.**

7 The appropriate Federal agencies or departments  
8 shall provide to the 9/11 Review Commission, to the extent  
9 possible, personnel with appropriate security clearances.  
10 No person shall be provided with access to classified infor-  
11 mation under this title without the appropriate security  
12 clearances.

13 **SEC. 409. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**  
14 **MITTEE ACT.**

15 (a) IN GENERAL.—The Federal Advisory Committee  
16 Act (5 U.S.C. App.) shall not apply to the 9/11 Review  
17 Commission.

18 (b) PUBLIC MEETINGS AND RELEASE OF PUBLIC  
19 VERSIONS OF REPORTS.—The 9/11 Review Commission  
20 shall—

21 (1) hold public hearings and meetings to the ex-  
22 tent appropriate; and

23 (2) release public versions of the reports re-  
24 quired under this title.

1       (c) PUBLIC HEARINGS.—Any public hearings of the  
2 9/11 Review Commission shall be conducted in a manner  
3 consistent with the protection of information provided to  
4 or developed for or by the 9/11 Review Commission as re-  
5 quired by any applicable statute, regulation, or Executive  
6 order.

7 **SEC. 410. REPORTS OF 9/11 REVIEW COMMISSION.**

8       (a) INTERIM REPORTS.—The 9/11 Review Commis-  
9 sion may submit to the President and provide to Congress  
10 interim reports containing its findings, conclusions, and  
11 recommendations, and may submit with such reports any  
12 classified annexes.

13       (b) FINAL REPORT.—Not later than 12 months after  
14 the date of the enactment of this Act, the 9/11 Review  
15 Commission shall submit to the President and appropriate  
16 congressional committees (as such term is defined in sec-  
17 tion 101 of the Homeland Security Act of 2002 (6 U.S.C.  
18 101)) a final report, together with a classified annex if  
19 such is determined appropriate, containing such findings,  
20 conclusions, and recommendations for corrective measures  
21 as have been agreed to by the chairman and vice chair-  
22 man.

23       (c) TERMINATION.—

24               (1) IN GENERAL.—The 9/11 Review Commis-  
25 sion, and all the authorities of this title, shall termi-

1       nate 30 days after the date on which the final report  
2       is submitted under subsection (b).

3               (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-  
4       MINATION.—The 9/11 Review Commission may use  
5       the 30-day period referred to in paragraph (1) for  
6       the purpose of concluding its activities, including  
7       providing testimony to Congress concerning its re-  
8       ports and disseminating the final report.

9       **SEC. 411. FUNDING.**

10       (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
11       authorized to be appropriated \$1,000,000 to carry out this  
12       title.

13       (b) DURATION OF AVAILABILITY.—Amounts made  
14       available to the 9/11 Review Commission under this sec-  
15       tion shall remain available until the termination of the 9/  
16       11 Review Commission.

17       **TITLE V—PREPAREDNESS AND**  
18               **RESPONSE**

19       **Subtitle A—WMD Preparedness**  
20               **and Response**

21       **SEC. 501. HOMELAND SECURITY BIODEFENSE STRATEGY.**

22       (a) BIODEFENSE REVIEW AND STRATEGY.—

23               (1) IN GENERAL.—The Homeland Security Act  
24       of 2002 (6 U.S.C. 101 et seq.) is amended by add-  
25       ing at the end the following new title:

1   **“TITLE XXI—WEAPONS OF MASS**  
2                   **DESTRUCTION**

3   **“SEC. 2101. BIODEFENSE STRATEGY.**

4       “(a) IN GENERAL.—The Secretary shall issue, at  
5   least once every four years, a biodefense strategy that es-  
6   tablishes detailed strategic biodefense objectives for the  
7   Department’s mission areas.

8       “(b) COMPONENTS.—The strategy shall—

9           “(1) delineate those areas of biodefense for  
10   which the Department is explicitly responsible;

11          “(2) include an inventory of the Department’s  
12   biodefense capabilities and assets;

13          “(3) be sufficiently detailed to guide  
14   prioritization of Department investments in and  
15   strategic approach to biodefense-related research,  
16   development, planning, and preparedness; and

17          “(4) include an implementation plan to enable  
18   the Department to carry out the objectives contained  
19   in the strategy.

20       “(c) ANNUAL REVIEW.—

21          “(1) IN GENERAL.—The Secretary shall annu-  
22   ally review the most recent biodefense strategy under  
23   this section to determine any necessary major ad-  
24   justments to the strategy.

1           “(2) CONSIDERATION OF BIODEFENSE POL-  
2       ICY.—Each review shall—

3           “(A) identify continuing gaps or  
4       vulnerabilities in the Department’s biodefense  
5       posture;

6           “(B) make recommendations for refining  
7       the Department’s biodefense investments; and

8           “(C) include a detailed analysis of how well  
9       the implementation plan included in the most  
10      recent biodefense strategy is allowing the De-  
11      partment to meet the objectives of the bio-  
12      defense strategy, with special emphasis on  
13      unmet objectives and proposed mechanisms to  
14      eliminate shortfalls in meeting those objectives,  
15      through budgetary, management, or other re-  
16      finements.

17   **“SEC. 2102. SUBMISSIONS TO CONGRESS.**

18       “The Secretary shall submit each biodefense strategy  
19   and annual biodefense strategy review under this title to  
20   the appropriate congressional committees.”.

21       (2) CLERICAL AMENDMENT.—The table of con-  
22      tents in section 1(b) of such Act is amended by add-  
23      ing at the end the following:

          “TITLE XXI—WEAPONS OF MASS DESTRUCTION

          “Sec. 2101. Biodefense strategy.

          “Sec. 2102. Submissions to Congress.”.

1 (c) DEADLINE FOR FIRST STRATEGY.—The Sec-  
2 retary of Homeland Security shall complete the first bio-  
3 defense strategy under section 2101 of the Homeland Se-  
4 curity Act of 2002, as amended by this section, by not  
5 later than one year after the date of enactment of this  
6 Act.

7 **SEC. 502. WEAPONS OF MASS DESTRUCTION INTELLIGENCE**  
8 **AND INFORMATION SHARING.**

9 (a) IN GENERAL.—Title XXI of the Homeland Secu-  
10 rity Act of 2002, as added by section 501 of this Act, is  
11 amended by adding at the end the following:

12 **“SEC. 2103. WEAPONS OF MASS DESTRUCTION INTEL-**  
13 **LIGENCE AND INFORMATION SHARING.**

14 “(a) IN GENERAL.—The Office of Intelligence and  
15 Analysis of the Department shall—

16 “(1) support homeland security-focused intel-  
17 ligence analysis of terrorist actors, their claims, and  
18 their plans to conduct attacks involving chemical, bi-  
19 ological, radiological, and nuclear materials against  
20 the Nation;

21 “(2) support homeland security-focused intel-  
22 ligence analysis of global infectious disease, public  
23 health, food, agricultural, and veterinary issues;

24 “(3) support homeland-security focused risk  
25 analysis and risk assessments of the homeland secu-

1        rity hazards described in paragraphs (1) and (2) by  
2        providing relevant quantitative and nonquantitative  
3        threat information;

4            “(4) leverage existing and emerging homeland  
5        security capabilities and structures to enhance pre-  
6        vention, protection, response, and recovery efforts  
7        with respect to a chemical, biological, radiological, or  
8        nuclear attack;

9            “(5) share information and provide tailored an-  
10       analytical support on these threats to State, local, and  
11       tribal authorities; and

12           “(6) perform other responsibilities, as assigned  
13       by the Secretary.

14       “(b) COORDINATION.—Where appropriate, the Office  
15 of Intelligence and Analysis shall—

16           “(1) coordinate with other relevant Department  
17       components;

18           “(2) consult with others in the Intelligence  
19       Community, including State, local, and tribal au-  
20       thorities, in particular officials from high-threat  
21       areas; and

22           “(3) enable such entities to provide rec-  
23       ommendations on optimal information sharing mech-  
24       anisms, including expeditious sharing of classified



1 information, and on how they can provide informa-  
2 tion to the Department.

3 “(c) REPORT.—

4 “(1) IN GENERAL.—Not later than one year  
5 after the date of the enactment of this section and  
6 annually thereafter, the Secretary shall report to the  
7 appropriate congressional committees on—

8 “(A) the intelligence and information shar-  
9 ing activities under subsection (a) and of all rel-  
10 evant entities within the Department to counter  
11 the threat from weapons of mass destruction;  
12 and

13 “(B) the Department’s activities in accord-  
14 ance with relevant intelligence strategies.

15 “(2) ASSESSMENT OF IMPLEMENTATION.—The  
16 report shall include—

17 “(A) a description of methods established  
18 to assess progress of the Office of Intelligence  
19 and Analysis in implementing this section; and

20 “(B) such assessment.”.

21 (b) CLERICAL AMENDMENT.—The table of contents  
22 in section 1(b) of such Act is further amended by adding  
23 at the end of the items relating to such title the following:

“Sec. 2103. Weapons of mass destruction intelligence and information shar-  
ing.”.

1   **SEC. 503. RISK ASSESSMENTS.**

2           (a) IN GENERAL.—Title XXI of the Homeland Secu-  
3   rity Act of 2002, as added by section 501 of this Act, is  
4   amended by adding at the end the following:

5   **“SEC. 2104. RISK ASSESSMENTS.**

6           “(a) IN GENERAL.—The Secretary, acting through  
7   the Under Secretary for Science and Technology and in  
8   coordination with relevant Department components and  
9   other appropriate Federal departments and agencies,  
10  shall—

11           “(1) produce and update periodically a ter-  
12   rorism risk assessment of chemical, biological, radio-  
13   logical, and nuclear threats; and

14           “(2) produce and update periodically an inte-  
15   grated terrorism risk assessment that assesses all of  
16   those threats and compares them against one an-  
17   other according to their relative risk.

18           “(b) METHODOLOGY.—

19           “(1) IN GENERAL.—The Secretary shall—

20           “(A) convene an interagency task force of  
21   relevant subject matter experts to assess the  
22   proposed methodology to be used for assess-  
23   ments required under subsection (a), and to  
24   provide recommendations to the Secretary as to  
25   the adequacy of such methodology;

1           “(B) conduct sensitivity analysis on each  
2           assessment to identify and prioritize research  
3           activities to close knowledge gaps; and

4           “(C) consider the evolving threat from an  
5           intelligent adversary.

6           “(2) INCLUSION IN ASSESSMENT.—Each assess-  
7           ment under subsection (a) shall include a description  
8           of the methodology used for the assessment.

9           “(c) USAGE.—The assessments required under sub-  
10          section (a) shall be used to inform and guide risk manage-  
11          ment decisions, including—

12           “(1) the threat assessments and determinations  
13          by the Secretary regarding agents and toxins pursu-  
14          ant to section 319F–2 of the Public Health Service  
15          Act;

16           “(2) allocation of resources for research and de-  
17          velopment for prevention of, protection against, re-  
18          sponse to, and recovery from a chemical, biological,  
19          radiological, or nuclear attack;

20           “(3) prioritization of medical countermeasure  
21          research, development, acquisition, and distribution  
22          activities and other national strategic biodefense re-  
23          search;

24           “(4) tailored risk assessments and risk mitiga-  
25          tion studies, as appropriate, on topics such as radio-

1       logical materials security or the economic risks of a  
2       biological attack; and

3           “(5) other homeland security activities as deter-  
4       mined appropriate by the Secretary and the heads of  
5       other agencies.

6       “(d) INPUT AND SHARING.—The Secretary shall, for  
7       each assessment required under subsection (a)—

8           “(1) seek input from Federal, State, local, and  
9       tribal officials involved in efforts to prevent, protect  
10      against, respond to, and recover from chemical, bio-  
11      logical, radiological, and nuclear threats;

12          “(2) ensure that written procedures are in place  
13      to guide the development and review of risk assess-  
14      ments through coordinated efforts of relevant Fed-  
15      eral agencies;

16          “(3) share the risk assessments with Federal,  
17      State, local and tribal officials with appropriate se-  
18      curity clearances and a need for the information in  
19      the classified version; and

20          “(4) to the extent practicable, make available  
21      an unclassified version for Federal, State, local, and  
22      tribal officials involved in prevention and prepared-  
23      ness for chemical, biological, radiological, and nu-  
24      clear events.”.

1 (b) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of such Act is further amended by adding  
3 at the end of the items relating to such title the following:

“Sec. 2104. Risk Assessments.”.

4 **SEC. 504. INDIVIDUAL AND COMMUNITY PREPAREDNESS.**

5 (a) INDIVIDUAL AND COMMUNITY PREPAREDNESS.—  
6 Title V of the Homeland Security Act of 2002 (6 U.S.C.  
7 311 et seq.) is amended by adding at the end the fol-  
8 lowing:

9 **“SEC. 526. INDIVIDUAL AND COMMUNITY PREPAREDNESS.**

10 “(a) IN GENERAL.—The Administrator shall assist  
11 State, local, and tribal authorities in improving and pro-  
12 moting individual and community preparedness and collec-  
13 tive response to weapons of mass destruction and terrorist  
14 attacks involving chemical, biological, radiological, and nu-  
15 clear materials against the United States, by—

16 “(1) developing guidance and checklists of rec-  
17 ommended actions for individual and community  
18 prevention and preparedness efforts and dissemi-  
19 nating such guidance and checklists to communities  
20 and individuals;

21 “(2) updating new and existing guidance and  
22 checklists as appropriate;

23 “(3) disseminating the guidance developed  
24 under section 510 to communities and individuals,  
25 as appropriate;

1           “(4) providing information and training mate-  
2           rials in support of individual and community pre-  
3           paredness efforts;

4           “(5) conducting individual and community pre-  
5           paredness outreach efforts; and

6           “(6) such other actions as the Secretary deter-  
7           mines appropriate.

8           “(b) COORDINATION.—Where appropriate, the Sec-  
9           retary shall coordinate with private sector and nongovern-  
10          mental organizations to promote individual and commu-  
11          nity preparedness and collective response to weapons of  
12          mass destruction and terrorist attacks involving chemical,  
13          biological, radiological, and nuclear materials against the  
14          United States.

15          “(c) BEST PRACTICES.—In compiling guidance for  
16          individual and community preparedness in order to carry  
17          out subsection (a)(4), the Secretary shall give due regard  
18          to best practices based on the experience of other agencies  
19          and countries and the expertise of academic institutions  
20          and nongovernmental organizations.”.

21          (b) CLERICAL AMENDMENT.—The table of contents  
22          in section 1(b) of the Homeland Security Act of 2002 (6  
23          U.S.C. 101 et seq.) is further amended by adding at the  
24          end of the items relating to such title the following:

“Sec. 526. Individual and community preparedness.”.

1   **SEC. 505. DETECTION OF BIOLOGICAL THREATS.**

2       (a) IN GENERAL.—Title XXI of the Homeland Secu-  
3   rity Act of 2002, as added by section 501 of this Act, is  
4   further amended by adding at the end the following:

5   **“SEC. 2105. DETECTION OF BIOLOGICAL ATTACKS.**

6       “(a) PROGRAM.—The Secretary shall carry out a pro-  
7   gram to detect a biological attack or event that poses a  
8   high risk to homeland security. Through such program,  
9   the Secretary shall—

10           “(1) deploy detection capabilities to areas,  
11       based on risks identified by Department assess-  
12       ments, to indicate the presence of biological agents;

13           “(2) consider multiple deployment strategies in-  
14       cluding surge capability;

15           “(3) provide information to participating lab-  
16       oratories and programs for their use in monitoring  
17       public health, and biological material or other data  
18       from those detectors to participating laboratories  
19       and programs for testing and evaluation;

20           “(4) regularly communicate with, and provide  
21       information about the presence of biological agents  
22       to, appropriate Federal, State, and local agencies re-  
23       sponsible for public health, law enforcement, and  
24       emergency services, in a manner that ensures trans-  
25       parency with the governments served by such per-  
26       sonnel;

1           “(5) provide advanced planning tools, concepts  
2           of operations (including alarm resolution protocols  
3           and response guidance), and training exercises (in-  
4           cluding in collaboration with relevant national level  
5           exercises) for collective response to and recovery  
6           from biological attacks; and

7           “(6) provide technical assistance to jurisdictions  
8           hosting the program to improve their ability to re-  
9           spond to a detected pathogen.

10          “(b) PROGRAM REQUIREMENTS.—Under the pro-  
11         gram required under subsection (a), the Secretary shall—

12           “(1) enter into memoranda of agreement or  
13           interagency agreements under the Economy Act of  
14           1933 (31 U.S.C. 1535 et seq.) with the Director of  
15           the Centers of Disease Control and Prevention and  
16           the Administrator of the Environmental Protection  
17           Agency, and the heads of other Federal departments  
18           and agencies, setting forth roles and responsibilities,  
19           including with respect to validating performance and  
20           developing testing protocols for participating labora-  
21           tories and coordination with appropriate State, local,  
22           and tribal agencies;

23           “(2) establish criteria for determining whether  
24           plans for biological detector capabilities and coverage



1 sufficiently protect the United States population,  
2 and make such determinations on an annual basis;

3 “(3) acting through the Under Secretary for  
4 Science and Technology, and in consultation with  
5 the heads of other relevant departments and agen-  
6 cies, implement a process for establishing assay per-  
7 formance standards and evaluation for equivalency  
8 for biological threat assays, that—

9 “(A) evaluates biological threat detection  
10 assays, their protocols for use, and their associ-  
11 ated response algorithms for confirmation of bi-  
12 ological threat agents, taking performance  
13 measures and concepts of operation into consid-  
14 eration;

15 “(B) develops peer-reviewed assay perform-  
16 ance and equivalency standards based on the  
17 findings of the evaluation under subparagraph  
18 (A);

19 “(C) requires implementation of the stand-  
20 ards developed under subparagraph (B) for all  
21 Department biological detection programs;

22 “(D) makes such standards available and  
23 promotes their use to support all other Federal  
24 biological detection programs; and

25 “(E) is updated as necessary; and

1           “(4) prior to acquiring and deploying biot detec-  
2           tion technology, require—

3                   “(A) a cost-benefit analysis, including an  
4                   analysis of alternatives, that shall be informed  
5                   by the terrorism risk assessments under section  
6                   503;

7                   “(B) operational testing and evaluation;  
8                   and

9                   “(C) operational assessment by the end  
10                  users of the technology.

11          “(c) CONTRACT AUTHORITY.—The Secretary may  
12          enter into contracts with participating laboratories and  
13          programs for—

14                  “(1) the provision of laboratory services or  
15                  other biosurveillance activities as appropriate for  
16                  purposes of this section on a fee-for-service basis or  
17                  on a prepayment or other similar basis; and

18                  “(2) administrative and other costs related to  
19                  hosting program personnel and equipment in these  
20                  laboratories or programs.

21          “(d) DEFINITIONS.—In this section:

22                  “(1) The term ‘participating laboratory’ means  
23                  a laboratory that has been accepted as a member of  
24                  the Laboratory Response Network for Bioterrorism  
25                  that—

1           “(A) is fully equipped to detect and re-  
2           spond quickly to acts of biological terrorism;

3           “(B) provides biocontainment and micro-  
4           biological analysis in support of the Department  
5           and relevant law enforcement agencies with re-  
6           sponsibilities for investigating biological inci-  
7           dents; and

8           “(C) supports threat agent characteriza-  
9           tion studies and assay evaluation, research and  
10          development.

11          “(2) The term ‘assay’ means any scientific test  
12          that is designed to detect the presence of a biological  
13          threat agent that is of a type selected under criteria  
14          established by the Secretary.”.

15          (b) CLERICAL AMENDMENT.—The table of contents  
16          in section 1(b) of such Act is further amended by adding  
17          at the end of the items relating to such title the following:

          “Sec. 2105. Detection of biological attacks.”.

18       **SEC. 506. RAPID BIOLOGICAL THREAT DETECTION AND**  
19       **IDENTIFICATION AT PORTS OF ENTRY.**

20          (a) IN GENERAL.—Title XXI of the Homeland Secu-  
21          rity Act of 2002, as added by section 501 of this Act, is  
22          further amended by adding at the end the following:

1   **“SEC. 2106. RAPID BIOLOGICAL THREAT DETECTION AND**  
2                   **IDENTIFICATION AT PORTS OF ENTRY.**

3           “(a) IN GENERAL.—The Secretary of Homeland Se-  
4   curity shall require the Under Secretary for Science and  
5   Technology, in consultation with the heads of other rel-  
6   evant operational components of the Department of  
7   Homeland Security, to assess whether the development of  
8   technological screening capabilities for biological agents,  
9   pandemic influenza, and other infectious diseases should  
10  be undertaken by the Science and Technology Directorate  
11  to support entry and exit screening at ports of entry and  
12  for other homeland security purposes.

13          “(b) DEVELOPMENT OF METHODS.—If the Under  
14  Secretary determines that the development of such screen-  
15  ing capabilities should be undertaken, the Secretary shall,  
16  to the extent possible, initiate development of safe and ef-  
17  fective methods to—

18               “(1) rapidly screen incoming persons at ports of  
19           entry for biological agents, pandemic influenza, and  
20           other infectious diseases; and

21               “(2) obtain results of such screening near the  
22           point of entry.”.

23   **SEC. 507. COMMUNICATIONS PLANNING.**

24          “(a) IN GENERAL.—Title V of the Homeland Security  
25  Act of 2002 (6 U.S.C. 311 et seq.) is further amended  
26  by adding at the end the following:

1 **“SEC. 527. COMMUNICATIONS PLANNING.**

2 “(a) COMMUNICATIONS PLAN.—

3 “(1) IN GENERAL.—The Administrator shall  
4 develop a communications plan designed to provide  
5 information to the public related to preventing, pro-  
6 tecting against, responding to, and recovering from  
7 chemical, biological, radiological, and nuclear at-  
8 tacks;

9 “(2) PRE-SCRIPTED MESSAGES AND MESSAGE  
10 TEMPLATES.—

11 “(A) IN GENERAL.—The Administrator  
12 shall develop and disseminate, through the Fed-  
13 eral Emergency Management Agency, a public  
14 alerts and warnings system, and prescribed  
15 messages and message templates to be provided  
16 to State, local, and tribal authorities so that  
17 those authorities can quickly and rapidly dis-  
18 seminate critical information to the public in  
19 anticipation of, during, or in the immediate  
20 aftermath of a chemical, biological, radiological,  
21 or nuclear attack, and to be included in the De-  
22 partment of Homeland Security’s lessons  
23 learned information sharing system.

24 “(B) DEVELOPMENT AND DESIGN.—The  
25 pre-scripted messages or message templates  
26 shall—

1 “(i) be developed in consultation with  
2 State, local, and tribal authorities and in  
3 coordination with other appropriate Fed-  
4 eral departments and agencies;

5 “(ii) be designed to provide accurate,  
6 essential, and appropriate information and  
7 instructions to the population directly af-  
8 fected by an incident, including informa-  
9 tion regarding an evacuation, sheltering in  
10 place, hospital surge operations, health,  
11 and safety;

12 “(iii) be designed to provide accurate,  
13 essential, and appropriate information and  
14 instructions to emergency response pro-  
15 viders and medical personnel responding to  
16 an incident; and

17 “(iv) include direction for the coordi-  
18 nation of Federal, State, local, and tribal  
19 communications teams.

20 “(C) COMMUNICATIONS FORMATS.—The  
21 Administrator shall develop pre-scripted mes-  
22 sages or message templates under this para-  
23 graph in multiple formats to ensure delivery—

24 “(i) in cases where the usual commu-  
25 nications infrastructure is unusable; and

1 “(ii) to individuals with disabilities or  
2 other special needs and individuals with  
3 limited English proficiency.

4 “(D) DISSEMINATION AND TECHNICAL AS-  
5 SISTANCE.—The Administrator shall ensure  
6 that all pre-scripted messages and message  
7 templates developed under this paragraph are  
8 made available to State, local, and tribal au-  
9 thorities so that those authorities may incor-  
10 porate them, as appropriate, into their emer-  
11 gency plans. The Administrator shall also make  
12 available relevant technical assistance to those  
13 authorities to support communications plan-  
14 ning.

15 “(E) EXERCISES.—To ensure that the pre-  
16 scripted messages or message templates devel-  
17 oped under this paragraph can be effectively  
18 utilized in a disaster or incident, the Adminis-  
19 trator shall incorporate Federal, State, local,  
20 and tribal communications teams that deliver  
21 such pre-scripted messages or message tem-  
22 plates into exercises, including those conducted  
23 under the National Exercise Program.

24 “(b) TERRORISM THREAT AWARENESS.—

1           “(1) TERRORISM THREAT AWARENESS.—The  
2       Secretary, in consultation with the heads of appro-  
3       priate Federal departments and agencies, shall for  
4       purposes of preparedness and collective response to  
5       terrorism and for other purposes—

6           “(A) ensure that homeland security infor-  
7       mation concerning terrorist threats is provided  
8       to State, local, and tribal authorities and the  
9       public within the United States, as appropriate;  
10      and

11          “(B) establish a process to optimize oppor-  
12      tunities for qualified heads of State, local, and  
13      tribal government entities to obtain appropriate  
14      security clearances so that they may receive  
15      classified threat information when appropriate.

16          “(2) THREAT BULLETINS.—

17          “(A) IN GENERAL.—Consistent with the  
18      requirements of paragraph (1), the Secretary  
19      shall, on a timely basis, prepare unclassified  
20      threat bulletins on chemical, biological, radio-  
21      logical, and nuclear threats.

22          “(B) REQUIREMENTS.—Each assessment  
23      required under subparagraph (A) shall—



1 “(i) include guidance to the public for  
2 preventing and responding to acts of ter-  
3 rorism arising from such threats; and

4 “(ii) be made available on the Internet  
5 Web site of the Department and other  
6 publicly accessible Internet Web sites, com-  
7 munication systems, and information net-  
8 works.

9 “(3) GUIDANCE TO STATE, LOCAL, AND TRIBAL  
10 AUTHORITIES.—The Secretary, using information  
11 provided by the terrorism risk assessments required  
12 under section 2104 and other threat assessments  
13 available to the Department—

14 “(A) shall provide to State, local, and trib-  
15 al authorities written guidance on commu-  
16 nicating terrorism-related threats and risks to  
17 the public within their jurisdictions; and

18 “(B) shall identify the governmental ra-  
19 tionale for identifying particular communities  
20 as being at heightened risk of exploitation.”.

21 (b) REPORT.—Not later than one year after the date  
22 of the enactment of this Act, the Administrator shall sub-  
23 mit to the appropriate congressional committees the com-  
24 munications plans required to be developed under the  
25 amendments made by subsection (a), including pre-

1 scripted messages or message templates developed in con-  
2 junction with the plans and a description of the means  
3 that will be used to deliver these messages during such  
4 incidents.

5 (c) CLERICAL AMENDMENT.—The table of contents  
6 in section 1(b) of such Act is further amended by adding  
7 at the end of the items relating to such title the following  
8 new item:

“Sec. 527. Communications planning.”.

9 **SEC. 508. RESPONSE GUIDELINES CONCERNING WEAPONS**  
10 **OF MASS DESTRUCTION.**

11 (a) ESTABLISHMENT OF VOLUNTARY GUIDANCE.—  
12 Not later than one year after the date of the enactment  
13 of this Act, the Secretary of Homeland Security, in con-  
14 sultation with the heads of other relevant Federal depart-  
15 ments and agencies, shall—

16 (1) develop for police, fire, emergency medical  
17 services, emergency management, and medical and  
18 public health personnel, voluntary guidance for re-  
19 sponding to chemical, biological, radiological, or nu-  
20 clear attacks;

21 (2) make such guidance available to State,  
22 local, and tribal authorities, educational institutions,  
23 nongovernmental organizations, the private sector,  
24 and the public; and

1 (3) in developing the guidance under paragraph  
2 (1)—

3 (A) review the experiences of other coun-  
4 tries and the expertise of academic institutions  
5 and nongovernmental organizations; and

6 (B) consider the unique needs of children  
7 and other vulnerable populations.

8 (b) CONTENTS.—The guidance developed under sub-  
9 section (a)(1) shall be voluntary, risk-based guidance that  
10 shall include—

11 (1) protective action guidance for ensuring the  
12 security, health, and safety of emergency response  
13 providers and their families and household contacts;

14 (2) specific information regarding the effects of  
15 the chemical, biological, radiological, or nuclear ma-  
16 terial on those exposed to the agent; and

17 (3) best practices for emergency response pro-  
18 viders to effectively diagnose, handle, and otherwise  
19 manage individuals affected by an incident involving  
20 chemical, biological, radiological, or nuclear material.

21 (c) REVIEW AND REVISION OF GUIDANCE.—The Sec-  
22 retary shall—

23 (1) review the guidance developed under sub-  
24 section (a)(1) at least once every 2 years;

1           (2) make revisions to the guidance as appro-  
2       priate; and

3           (3) make any revised guidance available to  
4       State, local, and tribal authorities, nongovernmental  
5       organizations, the private sector, and the public.

6       (d) PROCEDURES FOR DEVELOPING AND REVISING  
7       GUIDANCE.—In carrying out the requirements of this sec-  
8       tion, the Secretary shall establish procedures to—

9           (1) enable members of the first responder and  
10       first provider community to submit recommendations  
11       of areas in which guidance is needed and could be  
12       developed under subsection (a)(1);

13           (2) determine which entities should be consulted  
14       in developing or revising the guidance;

15           (3) prioritize, on a regular basis, guidance that  
16       should be developed or revised; and

17           (4) develop and disseminate the guidance in ac-  
18       cordance with the prioritization under paragraph

19       (3).

20       **SEC. 509. PLUME MODELING.**

21       (a) IN GENERAL.—Title XXI of the Homeland Secu-  
22       rity Act of 2002, as added by section 501 of this Act, is  
23       further amended by adding at the end the following:

24       **“SEC. 2107. PLUME MODELING.**

25       “(a) DEVELOPMENT.—

1           “(1) IN GENERAL.—The Secretary shall ac-  
2       quire, use, and disseminate the best available inte-  
3       grated plume models to enable rapid response activi-  
4       ties following a chemical, biological, nuclear, or radi-  
5       ological attack or event.

6           “(2) SCOPE.—The Secretary shall—

7               “(A) identify Federal, State, and local  
8       needs regarding plume models and ensure the  
9       rapid development and distribution of inte-  
10      grated plume models that meet those needs to  
11      appropriate officials of the Federal Government  
12      and State, local, and tribal authorities to enable  
13      immediate response to a chemical, biological, or  
14      radiological attack or event;

15           “(B) establish mechanisms for dissemina-  
16      tion by appropriate emergency response officials  
17      of the integrated plume models described in  
18      paragraph (1) to nongovernmental organiza-  
19      tions and the public to enable appropriate col-  
20      lective response activities;

21           “(C) ensure that guidance and training in  
22      how to appropriately use such models are pro-  
23      vided; and

24           “(D) ensure that lessons learned from as-  
25      sessing the development and dissemination of

1 integrated plume models during exercises ad-  
2 ministered by the Department are put into the  
3 lessons learned information sharing system  
4 maintained by the Department.

5 “(b) DEFINITIONS.—For purposes of this section:

6 “(1) PLUME MODEL.—The term ‘plume model’  
7 means the assessment of the location and prediction  
8 of the spread of agents following a chemical, biologi-  
9 cal, radiological, or nuclear attack or event.

10 “(2) INTEGRATED PLUME MODEL.—The term  
11 ‘integrated plume model’ means a plume model that  
12 integrates protective action guidance and other in-  
13 formation as the Secretary determines appropriate.”.

14 (b) CLERICAL AMENDMENT.—The table of contents  
15 in section 1(b) of such Act is further amended by adding  
16 at the end of the items relating to such title the following:

“Sec. 2107. Plume modeling.”.

17 **SEC. 510. DISASTER RECOVERY.**

18 (a) IN GENERAL.—Title XXI of the Homeland Secu-  
19 rity Act of 2002, as added by section 501 of this Act, is  
20 further amended by adding at the end the following:

21 **“SEC. 2108. IDENTIFYING AND ADDRESSING GAPS IN RE-**  
22 **COVERY CAPABILITIES.**

23 “(a) RISK ASSESSMENT.—

24 “(1) TAILORED RISK ASSESSMENT.—The Sec-  
25 retary, acting through the Under Secretary for

1 Science and Technology, shall conduct tailored risk  
2 assessments to inform prioritization of national re-  
3 covery activities for chemical, biological, radiological,  
4 and nuclear incidents, to be updated as necessary.

5 “(2) CONSIDERATIONS.—In conducting the risk  
6 assessments under paragraph (1), the Secretary  
7 shall—

8 “(A) consult with the heads of other rel-  
9 evant Federal departments and agencies;

10 “(B) consider recovery of both indoor  
11 areas and outdoor environments; and

12 “(C) consider relevant studies previously  
13 prepared by other Federal agencies, or other  
14 appropriate stakeholders.

15 “(3) COLLABORATION.—Upon completion of the  
16 risk assessments required by this section, the Sec-  
17 retary shall provide the findings to the heads of rel-  
18 evant Federal agencies in order to inform ongoing  
19 and future work, including research and guidance  
20 development, undertaken by those agencies in recov-  
21 ery and remediation from chemical, biological, radio-  
22 logical, or nuclear incidents.

23 “(b) RESEARCH.—The results of the risk assessment  
24 under this section shall inform appropriate Federal re-

1 search to address the high-risk capability gaps uncovered  
2 by each assessment.

3 **“SEC. 2109. RECOVERY FROM CHEMICAL, BIOLOGICAL, RA-**  
4 **BIOLOGICAL, AND NUCLEAR ATTACKS OR IN-**  
5 **CIDENTS.**

6 “(a) ESTABLISHMENT OF GUIDANCE.—Within 24  
7 months from the date of enactment of this Act, the Sec-  
8 retary, in consultation with the heads of other appropriate  
9 Federal departments and agencies, shall develop and issue  
10 guidance for clean-up and restoration of indoor and out-  
11 door areas, including subways and other mass transpor-  
12 tation facilities, that have been exposed to chemical, bio-  
13 logical, radiological, or nuclear materials.

14 “(b) CONTENTS.—The guidance developed under  
15 subsection (a) shall clarify Federal roles and responsibil-  
16 ities for assisting State, local, and tribal authorities and  
17 include risk-based recommendations for—

18 “(1) standards for effective decontamination of  
19 affected sites;

20 “(2) standards for safe post-event occupancy of  
21 affected sites, including for vulnerable populations  
22 such as children and individuals with health con-  
23 cerns;



1           “(3) requirements to ensure that the decon-  
2           tamination procedures for responding organizations  
3           do not conflict;

4           “(4) requirements that each responding organi-  
5           zation uses a uniform system for tracking costs and  
6           performance of clean-up contractors;

7           “(5) maintenance of negative air pressure in  
8           buildings;

9           “(6) standards for proper selection and use of  
10          personal protective equipment;

11          “(7) air sampling procedures;

12          “(8) development of occupational health and  
13          safety plans that are appropriate for the specific risk  
14          to responder health; and

15          “(9) waste disposal.

16          “(c) REVIEW AND REVISION OF GUIDANCE.—The  
17          Secretary shall—

18               “(1) not less frequently than once every two  
19               years, review the guidance developed under sub-  
20               section (a);

21               “(2) make revisions to the guidance as appro-  
22               priate; and

23               “(3) make the revised guidance available to the  
24          Federal Government, State, local, and tribal authori-

1       ties, nongovernmental organizations, the private sec-  
2       tor, and the public.

3       “(d) PROCEDURES FOR DEVELOPING AND REVISING  
4 GUIDANCE.—In carrying out the requirements of this sec-  
5 tion, the Secretary shall establish procedures to—

6           “(1) prioritize issuance of guidance based on  
7       the results of the risk assessment conducted pursu-  
8       ant to section 2108;

9           “(2) inventory existing relevant guidance;

10          “(3) enable the public to submit recommenda-  
11       tions of areas in which guidance is needed;

12          “(4) determine which entities should be con-  
13       sulted in developing or revising the guidance;

14          “(5) prioritize, on a regular basis, guidance  
15       that should be developed or revised; and

16          “(6) develop and disseminate the guidance in  
17       accordance with the prioritization under paragraph  
18       (5).

19       “(e) CONSULTATIONS.—The Secretary shall develop  
20 and revise the guidance developed under subsection (a),  
21 and the procedures required under subsection (d), in con-  
22 sultation with—

23           “(1) the heads of other Federal departments  
24       and agencies, as appropriate;

25           “(2) State, local, and tribal authorities; and

1 “(3) nongovernmental organizations and private  
2 industry.

3 **“SEC. 2110. EXERCISES.**

4 “To facilitate environmental recovery from a chem-  
5 ical, biological, radiological, or nuclear attack or other in-  
6 cident involving chemical, biological, radiological, or nu-  
7 clear materials and to foster collective response to ter-  
8 rorism, the Secretary shall develop exercises in consulta-  
9 tion with State, local, and tribal authorities and other ap-  
10 propriate Federal agencies, and, as appropriate, in col-  
11 laboration with national level exercises, including exercises  
12 that address, to the best knowledge available at the time,  
13 analysis, indoor environmental cleanup methods, and de-  
14 contamination standards, including those published in the  
15 guidance documents required by section 2109.”.

16 (b) CLERICAL AMENDMENTS.—The table of contents  
17 in section 1(b) of such Act is amended by adding at the  
18 end of the items relating to such title the following:

“Sec. 2108. Identifying and addressing gaps in recovery capabilities.

“Sec. 2109. Recovery from chemical, biological, radiological, and nuclear at-  
tacks or incidents.

“Sec. 2110. Exercises.”.

19 **Subtitle B—Grants**

20 **SEC. 521. SENSE OF CONGRESS.**

21 (a) FINDINGS.—Congress finds the following:

22 (1) Terrorism preparedness grant programs ad-  
23 ministered by the Department of Homeland Security

1       since the attacks of September 11, 2001, including  
2       the State Homeland Security Grant Program, Urban  
3       Area Security Initiative, Transit Security Grant Pro-  
4       gram, and Port Security Grant Program, have con-  
5       tributed to increased preparedness, resilience, and  
6       response capabilities at the State and local levels.

7           (2) State and local governments have utilized  
8       grant funding to, among other things, conduct plan-  
9       ning, training, and exercises, improve information  
10      sharing, and enhance communications.

11          (3) More than a decade after the terrorist at-  
12      tacks of September 11, 2001, the United States re-  
13      mains the top target of Al Qaeda and its affiliates,  
14      and faces increasing threats of domestic  
15      radicalization and from lone wolf extremists.

16          (4) Continued Federal assistance to States and  
17      localities is necessary to maintain the increased pre-  
18      paredness and response capabilities developed over  
19      the past decade in order to address this continuing  
20      threat.

21      (b) SENSE OF CONGRESS.—It is the sense of Con-  
22      gress that grant programs such as the State Homeland  
23      Security Grant Program, Urban Area Security Initiative,  
24      Transit Security Grant Program, and Port Security Grant  
25      Program, should be funded consistent with their pre-

1 viously authorized levels to ensure that States and local-  
2 ities build and sustain the necessary capabilities to pre-  
3 vent, prepare for, and respond to terrorist attacks or other  
4 emergencies.

5 **SEC. 522. USE OF GRANT FUNDS FOR PROJECTS CON-**  
6 **DUCTED IN CONJUNCTION WITH A NATIONAL**  
7 **LABORATORY OR RESEARCH FACILITY.**

8 Section 2008(a)(2) of the Homeland Security Act of  
9 2002 (6 U.S.C. 609(a)(2)) is amended by inserting “train-  
10 ing conducted in conjunction with a national laboratory  
11 or research facility and” after “including”.

12 **SEC. 523. NOTIFICATION OF HOMELAND SECURITY GRANT**  
13 **AWARDS.**

14 Section 2002 of the Homeland Security Act of 2002  
15 is amended by adding at the end the following new sub-  
16 section:

17 “(d) NOTIFICATION.—The Administrator of the Fed-  
18 eral Emergency Management Agency shall report to the  
19 Committee on Homeland Security of the House of Rep-  
20 resentatives and the Committee on Homeland Security  
21 and Governmental Affairs of the Senate not less than  
22 three business days in advance of announcing publicly an  
23 allocation or award made pursuant to section 2003 or  
24 2004.”.

1   **SEC. 524. TRANSPARENCY IN HOMELAND SECURITY GRANT**  
2                   **FUNDING.**

3           Subtitle B of title XX of the Homeland Security Act  
4 of 2002 is amended by adding at the end the following  
5 new section:

6   **“SEC. 2024. TRANSPARENCY IN HOMELAND SECURITY**  
7                   **GRANT FUNDING.**

8           “(a) IN GENERAL.—The Assistant Administrator of  
9 the Grant Programs Directorate, or an official otherwise  
10 designated by the Administrator, shall serve as the Au-  
11 thorization Liaison Officer within the Federal Emergency  
12 Management Agency.

13          “(b) REPORTING TO CONGRESS.—The Authorization  
14 Liaison Officer shall provide timely information on all  
15 grants administered by the Federal Emergency Manage-  
16 ment Agency upon request to the appropriate congres-  
17 sional committees.

18          “(c) SEMIANNUAL REPORTING.—

19               “(1) IN GENERAL.—The Administrator of the  
20 Federal Emergency Management Agency shall sub-  
21 mit a written report to the appropriate congressional  
22 committees, on not less than a semiannual basis,  
23 that provides a full accounting of funds awarded by  
24 the Department under all homeland security grant  
25 programs administered by the Federal Emergency  
26 Management Agency for the previous five fiscal

1 years, ending with the year in which the report is  
2 provided.

3 “(2) SCOPE OF REPORTS.—The Authorization  
4 Liaison Officer shall ensure, to the greatest extent  
5 practicable, that each report under this subsection  
6 includes a full accounting of funds awarded by the  
7 Department under all homeland security grant pro-  
8 grams administered by the Federal Emergency Man-  
9 agement Agency for the previous five fiscal years,  
10 ending with the year in which the report is provided,  
11 including—

12 “(A) the number and type of projects ap-  
13 proved, by grantee;

14 “(B) the amount of funds awarded for  
15 each project;

16 “(C) the amount of funds available for  
17 each project;

18 “(D) the date on which those funds were  
19 made available;

20 “(E) the amount of funds not yet released  
21 by the Department, by project; and

22 “(F) the reasons funds have not been re-  
23 leased, by project.

24 “(d) MEASURES AND METRICS.—

1           “(1) QUARTERLY PROVISION OF INFORMATION  
2           TO CONGRESS.—The Assistant Administrator of the  
3           Grant Programs Directorate shall provide informa-  
4           tion quarterly to the appropriate congressional com-  
5           mittees on its efforts to develop performance meas-  
6           ures and metrics for the Homeland Security Grant  
7           Program pursuant to section 2023 of the Homeland  
8           Security Act of 2002 (6 U.S.C. 613), until the devel-  
9           opment and implementation of such performance  
10          measures and metrics.

11          “(2) BIENNIAL BRIEFINGS.—After the develop-  
12          ment and implementation of such performance meas-  
13          ures and metrics, the Assistant Administrator shall  
14          provide biennial briefings to the appropriate con-  
15          gressional committees on the expenditure of grant  
16          funds and the Assistant Administrator’s findings  
17          based on the metrics, including an assessment of the  
18          extent which funding under the Homeland Security  
19          Grant Program has contributed to building and sus-  
20          taining State and local preparedness and response  
21          capabilities to address terrorism threats and other  
22          emergencies.”.



1 **SEC. 525. METROPOLITAN MEDICAL RESPONSE SYSTEM.**

2 (a) IN GENERAL.—Title V of the Homeland Security  
3 Act of 2002 (6 U.S.C. 311 et seq.) is further amended  
4 by adding at the end the following new section:

5 **“SEC. 528. METROPOLITAN MEDICAL RESPONSE SYSTEM**  
6 **PROGRAM.**

7 “(a) IN GENERAL.—The Secretary shall conduct a  
8 Metropolitan Medical Response System Program, that  
9 shall assist State and local governments in preparing for  
10 and responding to public health and mass casualty inci-  
11 dents resulting from acts of terrorism and natural disas-  
12 ters.

13 “(b) FINANCIAL ASSISTANCE.—

14 “(1) AUTHORIZATION OF GRANTS.—

15 “(A) IN GENERAL.—The Secretary,  
16 through the Administrator, may make grants  
17 under this section to State and local govern-  
18 ments to assist in preparing for and responding  
19 to mass casualty incidents resulting from acts  
20 of terrorism and natural disasters.

21 “(B) CONSULTATION.—In developing guid-  
22 ance for grants authorized under this section,  
23 the Administrator shall consult with the Assist-  
24 ant Secretary for Health Affairs of the Depart-  
25 ment.

1           “(2) USE OF FUNDS.—A grant made under this  
2           section may be used to support the integration of  
3           emergency management, health, and medical sys-  
4           tems into a coordinated response to mass casualty  
5           incidents caused by any hazard, including—

6                   “(A) to strengthen medical surge capacity;

7                   “(B) to strengthen mass prophylaxis capa-  
8           bilities including development and maintenance  
9           of an initial pharmaceutical stockpile sufficient  
10          to protect first responders, their families, and  
11          immediate victims from a chemical or biological  
12          event;

13                  “(C) to strengthen chemical, biological, ra-  
14          diological, nuclear, and explosive detection, re-  
15          sponse, and decontamination capabilities;

16                  “(D) to develop and maintain mass triage  
17          and pre-hospital treatment plans and capabili-  
18          ties;

19                  “(E) for planning;

20                  “(F) to support efforts to strengthen infor-  
21          mation sharing and collaboration capabilities of  
22          regional, State, and urban areas in support of  
23          public health and medical preparedness;

24                  “(G) for medical supplies management and  
25          distribution;

1 “(H) for training and exercises;

2 “(I) for integration and coordination of the  
3 activities and capabilities of public health per-  
4 sonnel and medical care providers with those of  
5 other emergency response providers as well as  
6 other Federal agencies, the private sector, and  
7 nonprofit organizations, for the forward move-  
8 ment of patients; and

9 “(J) for such other activities as the Ad-  
10 ministrator provides.

11 “(3) ELIGIBILITY.—

12 “(A) IN GENERAL.—Except as provided in  
13 subparagraph (B), any jurisdiction that re-  
14 ceived funds through the Metropolitan Medical  
15 Response System Program in fiscal year 2010  
16 shall be eligible to receive a grant under this  
17 section.

18 “(B) PERFORMANCE REQUIREMENT AFTER  
19 FISCAL YEAR 2012.—A jurisdiction shall not be  
20 eligible for a grant under this subsection from  
21 funds available after fiscal year 2012 unless the  
22 Secretary determines that the jurisdiction main-  
23 tains a sufficient measured degree of capability  
24 in accordance with the performance measures  
25 issued under subsection (c).

1 “(4) DISTRIBUTION OF FUNDS.—

2 “(A) IN GENERAL.—The Administrator  
3 shall distribute grant funds under this section  
4 to the State in which the jurisdiction receiving  
5 a grant under this section is located.

6 “(B) PASS THROUGH.—Subject to sub-  
7 paragraph (C), not later than 45 days after the  
8 date on which a State receives grant funds  
9 under subparagraph (A), the State shall provide  
10 the jurisdiction receiving the grant 100 percent  
11 of the grant funds, and not later than 45 days  
12 after the State releases the funds, all fiscal  
13 agents shall make the grant funds available for  
14 expenditure.

15 “(C) EXCEPTION.—The Administrator  
16 may permit a State to provide to a jurisdiction  
17 receiving a grant under this section 97 percent  
18 of the grant funds awarded if doing so would  
19 not result in any jurisdiction eligible for a grant  
20 under paragraph (3)(A) receiving less funding  
21 than such jurisdiction received in fiscal year  
22 2009.

23 “(5) REGIONAL COORDINATION.—The Adminis-  
24 trator shall ensure that each jurisdiction that re-  
25 ceives a grant under this section, as a condition of

1 receiving such grant, is actively coordinating its pre-  
2 paredness efforts with surrounding jurisdictions,  
3 with the official with primary responsibility for  
4 homeland security (other than the Governor) of the  
5 government of the State in which the jurisdiction is  
6 located, and with emergency response providers from  
7 all relevant disciplines, as determined by the Admin-  
8 istrator, to effectively enhance regional prepared-  
9 ness.

10 “(c) PERFORMANCE MEASURES.—The Adminis-  
11 trator, in coordination with the Assistant Secretary for  
12 Health Affairs, and the National Metropolitan Medical  
13 Response System Working Group, shall issue performance  
14 measures within one year after the date of enactment of  
15 this section that enable objective evaluation of the per-  
16 formance and effective use of funds provided under this  
17 section in any jurisdiction.

18 “(d) METROPOLITAN MEDICAL RESPONSE SYSTEM  
19 WORKING GROUP DEFINED.—In this section, the term  
20 ‘National Metropolitan Medical Response System Working  
21 Group’ means—

22 “(1) 10 Metropolitan Medical Response System  
23 Program grant managers, who shall—

24 “(A) include one such grant manager from  
25 each region of the Agency;

1           “(B) comprise a population-based cross  
2           section of jurisdictions that are receiving grant  
3           funds under the Metropolitan Medical Response  
4           System Program; and

5           “(C) include—

6                   “(i) 3 selected by the Administrator;  
7                   and

8                   “(ii) 3 selected by the Chief Medical  
9                   Officer of the Department; and

10           “(2) 3 State officials who are responsible for  
11           administration of State programs that are carried  
12           out with grants under this section, who shall be se-  
13           lected by the Administrator.

14           “(e) AUTHORIZATION OF APPROPRIATIONS.—From  
15           the total amount authorized to be appropriated under this  
16           Act, \$42,000,000 shall be authorized for appropriations  
17           to carry out the program for each of fiscal years 2012  
18           through 2016.”.

19           (b) CLERICAL AMENDMENT.—The table of contents  
20           in section 1(b) of such Act is further amended by adding  
21           at the end of the items relating to such title the following  
22           new item:

          “Sec. 528. Metropolitan Medical Response System Program.”.

23           (c) METROPOLITAN MEDICAL RESPONSE PROGRAM  
24           REVIEW.—

1           (1) IN GENERAL.—The Administrator of the  
2       Federal Emergency Management Agency, the Assist-  
3       ant Secretary for Health Affairs of the Department,  
4       and the National Metropolitan Medical Response  
5       System Working Group shall conduct a review of the  
6       Metropolitan Medical Response System Program au-  
7       thorized under this section, including an examination  
8       of—

9                   (A) the extent to which the goals and ob-  
10                  jectives are being met;

11                  (B) the performance metrics that can best  
12                  help assess whether the Metropolitan Medical  
13                  Response System Program is succeeding;

14                  (C) how the Metropolitan Medical Re-  
15                  sponse System Program can be improved;

16                  (D) how the Metropolitan Medical Re-  
17                  sponse System Program complements and en-  
18                  hances other preparedness programs supported  
19                  by the Department of Homeland Security and  
20                  the Department of Health and Human Services;

21                  (E) the degree to which the strategic goals,  
22                  objectives, and capabilities of the Metropolitan  
23                  Medical Response System Program are incor-  
24                  porated in State and local homeland security  
25                  plans;

1 (F) how eligibility for financial assistance,  
2 and the allocation of financial assistance, under  
3 the Metropolitan Medical Response System Pro-  
4 gram should be determined, including how allo-  
5 cation of assistance could be based on risk;

6 (G) implications for the Metropolitan Med-  
7 ical Response System Program if it were man-  
8 aged as a contractual agreement; and

9 (H) the resource requirements of the Met-  
10 ropolitan Medical Response System Program.

11 (2) REPORT.—Not later than one year after the  
12 date of enactment of this Act, the Administrator and  
13 the Assistant Secretary for Health Affairs shall sub-  
14 mit to the appropriate congressional committees a  
15 report on the results of the review under this sec-  
16 tion.

17 (3) CONSULTATION.—The Administrator of the  
18 Federal Emergency Management Agency shall con-  
19 sult with the heads of other relevant departments  
20 and agencies in the implementation of subsection  
21 (a)(5).

22 (4) DEFINITION.—In this subsection the term  
23 “National Metropolitan Medical Response System  
24 Working Group” has the meaning that term has in



1 section 528 of the Homeland Security Act of 2002,  
2 as added by subsection (a) of this section.

3 (c) CONFORMING AMENDMENT.—Section 635 of the  
4 Post-Katrina Management Reform Act of 2006 (6 U.S.C.  
5 723) is repealed.

6 **SEC. 526. TRANSIT SECURITY GRANT PROGRAM.**

7 (a) SECURITY ASSISTANCE PROGRAM.—Section  
8 1406(a) of the Implementing Recommendations of the 9/  
9 11 Commission Act of 2007 (6 U.S.C. 1135(a)) is amend-  
10 ed—

11 (1) in paragraph (1) by inserting “and law en-  
12 forcement” after “public transportation”; and

13 (2) by adding at the end the following:

14 “(3) LAW ENFORCEMENT AGENCY ELIGI-  
15 BILITY.—A law enforcement agency is eligible for a  
16 grant under this section if the agency enters into a  
17 memorandum of agreement or other arrangement  
18 with a public transportation agency that is eligible  
19 for a grant under paragraph (2) to oversee, direct,  
20 and command the security operations of that public  
21 transportation agency.”.

22 (b) USES OF FUNDS.—Section 1406(b)(1)(J) of the  
23 Implementing Recommendations of the 9/11 Commission  
24 Act of 2007 (6 U.S.C. 1135(b)(1)(J)) is amended by strik-  
25 ing “evacuation improvements” and inserting “con-

1 sequence management investments, including investments  
2 with respect to evacuation improvements, route designa-  
3 tion and signage, and public assistance materials”.

4 (c) OPERATIONAL ALLOWANCES.—Section  
5 1406(m)(1) of the Implementing Recommendations of the  
6 9/11 Commission Act of 2007 (6 U.S.C. 1135(m)(1)) is  
7 amended—

8 (1) in subparagraph (D) by striking “and” at  
9 the end;

10 (2) in subparagraph (E)—

11 (A) by striking “10 percent” and inserting  
12 “50 percent”; and

13 (B) by striking “subsection (b)(2).” and  
14 inserting “subsection (b)(2); and”; and

15 (3) by adding at the end the following:

16 “(F) \$400,000,000 for fiscal year 2012,  
17 except that not more than 50 percent of such  
18 funds may be used for operational costs under  
19 subsection (b)(2).”.

## 20 **Subtitle C—Communications**

### 21 **SEC. 541. SENSE OF CONGRESS REGARDING INTEROPER-** 22 **ABILITY.**

23 (a) FINDINGS.—Congress finds the following:

24 (1) The National Commission on Terrorist At-  
25 tacks Upon the United States (in this section re-

1       ferred to as the “9/11 Commission”) determined  
2       that the inability of first responders to communicate  
3       effectively on September 11, 2001 was a critical ob-  
4       stacle to an effective multijurisdictional response.

5           (2) More than 10 years have passed since the  
6       terrorist attacks of September 11, 2001, and many  
7       jurisdictions across the country still experience dif-  
8       ficulties communicating that may contribute to con-  
9       fusion, delays, or added risks when responding to a  
10      terrorist attack or natural disaster.

11          (3) In the years since September 11, 2001, the  
12      need for a national wireless first responder inter-  
13      operable communications network has remained, but  
14      the Nation has not yet completed building this vital  
15      resource for public safety.

16          (4) The earthquake that originated in Virginia  
17      on August 23, 2011, and affected areas throughout  
18      the East Coast jammed commercial communications  
19      and data networks, making them incapable of han-  
20      dling the mission critical communications needs of  
21      first responders even if provided with priority access.

22      (b) SENSE OF CONGRESS.—It is the sense of Con-  
23      gress that Federal resources should be allocated to im-  
24      prove first responder interoperable communications and  
25      the D Block spectrum should be reallocated for the con-

1 instruction of a national interoperable public safety wireless  
2 broadband network as expeditiously as possible.

3 **SEC. 542. ROLES AND RESPONSIBILITIES WITH RESPECT TO**  
4 **POLICY AND GUIDANCE FOR COMMUNICA-**  
5 **TIONS-RELATED EXPENDITURES WITH**  
6 **GRANT FUNDS.**

7 (a) RESPONSIBILITIES OF THE DIRECTOR OF THE  
8 OFFICE OF EMERGENCY COMMUNICATIONS.—Section  
9 1801(c) of the Homeland Security Act of 2002 (6 U.S.C.  
10 571(c)) is amended by striking “and” after the semicolon  
11 at the end of paragraph (14), striking the period at the  
12 end of paragraph (15) and inserting “; and”, and adding  
13 at the end the following:

14 “(16) provide guidance on interoperable emer-  
15 gency communications to the Administrator of the  
16 Federal Emergency Management Agency in accord-  
17 ance with the memorandum of understanding re-  
18 quired under section 1811.”.

19 (b) AUTHORIZATION FOR MEMORANDUM OF UNDER-  
20 STANDING ON EMERGENCY COMMUNICATIONS.—

21 (1) IN GENERAL.—Title XVIII of the Home-  
22 land Security Act of 2002 is amended by adding at  
23 the end the following new section:

1 **“SEC. 1811. MEMORANDUM OF UNDERSTANDING ON EMER-**  
2 **GENCY COMMUNICATIONS.**

3 “The Administrator of the Federal Emergency Man-  
4 agement Agency shall execute a memorandum of under-  
5 standing with the Director of the Office of Emergency  
6 Communications delineating the roles and responsibilities  
7 of each office with respect to policy and guidance for com-  
8 munications-related expenditures with grant funds.”.

9 (2) CLERICAL AMENDMENT.—The table of con-  
10 tents in section 1(b) of such Act is amended by add-  
11 ing at the end the following:

“Sec. 1811. Memorandum of Understanding on Emergency Communications.”.

12 **Subtitle D—Miscellaneous**  
13 **Provisions**

14 **SEC. 561. AUDIT OF THE NATIONAL LEVEL EXERCISE.**

15 (a) IN GENERAL.—Not later than 180 days after the  
16 date of enactment of this Act, the Inspector General of  
17 the Department of Homeland Security shall conduct—

18 (1) an audit of expenses associated with the  
19 2010 and 2011 National Level Exercises, including  
20 costs of planning and executing the exercise sce-  
21 nario; and

22 (2) a review of whether the Federal Emergency  
23 Management Agency is incorporating lessons learned  
24 from national exercises into training, planning, and  
25 other operations.

1 (b) REPORT.—The Inspector General shall submit a  
2 report on the findings of the audit and review to the ap-  
3 propriate congressional committees.

4 **SEC. 562. FEMA REPORT TO CONGRESS ON SOURCING AND**  
5 **DISTRIBUTION OF DISASTER RESPONSE**  
6 **GOODS AND SERVICES.**

7 Not later than 90 days after the date of enactment  
8 of this Act, the Administrator of the Federal Emergency  
9 Management Agency shall submit to the appropriate con-  
10 gressional committees a report on the Agency's progress  
11 in improving sourcing for disaster response goods and  
12 services, including on—

13 (1) the adoption of a single-point ordering con-  
14 cept as recommended by the Department of Home-  
15 land Security Inspector General;

16 (2) investment in information technology sys-  
17 tems to support single-point ordering and make  
18 sourcing and supply movement transparent as rec-  
19 ommended by the Department of Homeland Security  
20 Inspector General;

21 (3) development of an overarching strategy for  
22 the sourcing of disaster response goods and services;  
23 and

24 (4) other steps taken by the Agency to promote  
25 efficiency in sourcing and distribution, and to elimi-

1       nate duplication and waste of essential goods and  
2       services during response to a disaster.

3   **SEC. 563. RURAL RESILIENCE INITIATIVE.**

4       (a) IN GENERAL.—Title XXI of the Homeland Secu-  
5   rity Act of 2002, as added by section 501 of this Act, is  
6   further amended by adding at the end the following:

7   **“SEC. 2111. RURAL RESILIENCE INITIATIVE.**

8       “(a) IN GENERAL.—The Under Secretary for Science  
9   and Technology of the Department of Homeland Security  
10   shall conduct research intended to assist State, local, and  
11   tribal leaders and the private sector in developing the tools  
12   and methods to enhance rural preparation for, and re-  
13   sponse and resilience to, terrorist attacks and other inci-  
14   dents.

15       “(b) INCLUDED ACTIVITIES.—Activities under this  
16   section may include—

17               “(1) research and implementation through out-  
18   reach activities with rural communities;

19               “(2) an examination of how communities em-  
20   ploy resilience capabilities and response assets;

21               “(3) development and use of a community resil-  
22   ience baseline template for determining the resilience  
23   capacity of a rural community;

24               “(4) a plan to address community needs for re-  
25   silience;

1 “(5) an education program for community lead-  
2 ers and first responders about their resilience capac-  
3 ity and mechanisms for mitigation, including via dis-  
4 tance learning; and

5 “(6) a mechanism by which this research can  
6 serve as a model for adoption by communities across  
7 the Nation.”.

8 (b) CLERICAL AMENDMENT.—The table of contents  
9 in section 1(b) of such Act is further amended by adding  
10 at the end of the items relating to such title the following:

“Sec. 2111. Rural resilience initiative.”.

11 **SEC. 564. NATIONAL DOMESTIC PREPAREDNESS CONSOR-**  
12 **TIUM.**

13 Section 1204 of the Implementing Recommendations  
14 of the 9/11 Commission Act of 2007 (6 U.S.C. 1102) is  
15 amended—

16 (1) in subsection (c), by inserting “(including  
17 medical readiness training)” after “deliver training”;

18 (2) in subsection (d)(1)—

19 (A) in subparagraph (C), by striking  
20 “and” at the end; and

21 (B) by inserting after subparagraph (D)  
22 the following new subparagraph:

23 “(E) \$62,500,000 for fiscal year 2012;  
24 and”; and

25 (3) in subsection (d)(2)—



1 (A) in subparagraph (C), by striking  
2 “and” at the end;

3 (B) in subparagraph (D), by striking the  
4 period at the end and inserting “; and”; and

5 (C) by adding at the end the following new  
6 subparagraph:

7 “(E) \$22,000,000 for fiscal year 2012.”.

8 **SEC. 565. TECHNICAL CORRECTION.**

9 Section 525(a) of the Homeland Security Act of 2002  
10 (6 U.S.C. 321n(a)) is amended by inserting “, acting  
11 through the Administrator,” after “Secretary”.

12 **TITLE VI—BORDER SECURITY**  
13 **PROVISIONS**

14 **SEC. 601. DEFINITIONS.**

15 In this title:

16 (1) COMMISSIONER.—The term “Commis-  
17 sioner” means the Commissioner of U.S. Customs  
18 and Border Protection of the Department of Home-  
19 land Security.

20 (2) MAJOR VIOLATOR.—The term “major viola-  
21 tor” means a person or entity that is or has engaged  
22 in serious criminal activities at any land, air, or sea  
23 port of entry, including possession of narcotics,  
24 smuggling of prohibited products, human smuggling,  
25 weapons possession, use of fraudulent United States

1 documents, and other offenses serious enough to re-  
2 sult in arrest.

3 (3) NORTHERN BORDER.—The term “northern  
4 border” means the international border between the  
5 United States and Canada.

6 (4) OPERATIONAL CONTROL.—The term “oper-  
7 ational control” has the meaning given such term in  
8 section 2(b) of the Secure Fence Act of 2006 (8  
9 U.S.C. 1701 note; Public Law 109–367).

10 (5) SOUTHERN BORDER.—The term “southern  
11 border” means the international border between the  
12 United States and Mexico.

13 **SEC. 602. STRATEGY TO ACHIEVE OPERATIONAL CONTROL**  
14 **OF THE BORDER.**

15 (a) STRATEGY TO SECURE THE BORDER BETWEEN  
16 THE PORTS OF ENTRY.—Not later than 180 days after  
17 the date of the enactment of this Act, the Secretary shall  
18 submit to the appropriate congressional committees a  
19 comprehensive strategy for gaining, within five years,  
20 operational control of the international borders between  
21 the ports of entry of the United States. The strategy shall  
22 include an analysis of the following:

23 (1) Staffing requirements for all border security  
24 functions.

1           (2) Investment in infrastructure, including pe-  
2       destrian fencing, vehicle barriers, and roads.

3           (3) The use of unmanned aerial vehicles, cam-  
4       era technology, sensors, and other innovative tech-  
5       nology as the Secretary may determine.

6           (4) Cooperative agreements with international,  
7       State, local, tribal, and other Federal law enforce-  
8       ment agencies that have jurisdiction on the northern  
9       border and southern border.

10          (5) Other means designed to detect, respond to,  
11       and interdict unlawful cross-border activity and to  
12       reduce the level of violence.

13          (6) A schedule for implementing security meas-  
14       ures, including a prioritization for future invest-  
15       ments.

16          (7) A comprehensive technology plan for major  
17       surveillance and detection technology programs, in-  
18       cluding a justification and rationale for technology  
19       choices and deployment locations.

20       (b) SECURING THE BORDER AT PORTS OF ENTRY.—  
21   Not later than 180 days after the date of the enactment  
22   of this Act, the Secretary shall develop metrics to measure  
23   the effectiveness of security at ports of entry, which shall  
24   consider, at minimum, the following:

1           (1) The number of infractions related to per-  
2           sonnel and cargo committed by major violators who  
3           are apprehended by U.S. Customs and Border Pro-  
4           tection at such ports of entry.

5           (2) The estimated number of such infractions  
6           committed by major violators who are not so appre-  
7           hended.

8           (3) The required number of U.S. Customs and  
9           Border Protection Officers, Agricultural Specialists,  
10          and Canine Enforcement Officers necessary to  
11          achieve operational control at such ports of entry.

12          (4) Infrastructure improvements required to  
13          achieve operational control at such ports of entry,  
14          including the installation of nonintrusive detection  
15          equipment, radiation portal monitors, biometrics,  
16          and other sensors and technology that the Secretary  
17          determines necessary.

18          (5) The deployment of resources based on the  
19          overall commercial and passenger traffic, cargo vol-  
20          ume, and threat environment at such ports of entry.

21          (c) EVALUATION BY NATIONAL LABORATORY.—The  
22          Secretary shall submit a request to a Department of En-  
23          ergy national laboratory with appropriate expertise in bor-  
24          der security to evaluate the suitability and statistical valid-  
25          ity of the measurement system required under subsection

1 (b) for analyzing progress in the interdiction of unlawful  
2 crossings and contraband at ports of entry.

3 (d) CONSIDERATION OF ALTERNATIVE BORDER SE-  
4 CURITY STANDARDS.—If in developing the strategic plan  
5 required under subsection (a) the Secretary determines to  
6 measure security between ports of entry by a standard  
7 other than operational control, the Secretary shall submit  
8 a request to a Department of Energy national laboratory  
9 with appropriate expertise in border security to evaluate  
10 the suitability and statistical validity of the measurement  
11 system required under subsection (b) for analyzing  
12 progress in the interdiction of unlawful crossings and con-  
13 traband at ports of entry.

14 (e) REPORTS.—Not later than 90 days after the date  
15 of the enactment of this Act and annually thereafter, the  
16 Secretary shall submit to the appropriate congressional  
17 committees a report on the following:

18 (1) A resource allocation model for current and  
19 future year staffing requirements that includes opti-  
20 mal staffing levels at all land, air, and sea ports of  
21 entry and an explanation of U.S. Customs and Bor-  
22 der Protection methodology for aligning staffing lev-  
23 els and workload to threats and vulnerabilities  
24 across all mission areas.

1           (2) Detailed information on the level of man-  
2           power data available at all land, air, and sea ports  
3           of entry, including the number of canine and agri-  
4           cultural officers assigned to each such port of entry.

5   **SEC. 603. MAINTAINING BORDER PATROL STAFFING.**

6           (a) IN GENERAL.—Subject to the availability of ap-  
7           propriations, for each of fiscal years 2012 and 2013, the  
8           Secretary shall maintain a force of not fewer than 21,300  
9           Border Patrol agents and sufficient support staff for such  
10          agents, including mechanics, administrative support, and  
11          surveillance personnel.

12          (b) NORTHERN BORDER.—Of the Border Patrol  
13          agents referred to in subsection (a), not fewer than 2,200  
14          of such agents shall be assigned to the northern border.

15   **SEC. 604. JAIME ZAPATA BORDER ENFORCEMENT SECU-**  
16                           **RITY TASK FORCE.**

17          (a) ESTABLISHMENT.—There is established in  
18          United States Immigration and Customs Enforcement  
19          (ICE) a program known as a Border Enforcement Secu-  
20          rity Task Force (referred to as “BEST”).

21          (b) PURPOSE.—The purpose of the BEST program  
22          is to establish units to enhance border security by address-  
23          ing and reducing border security threats and violence by—

24                  (1) facilitating collaboration among Federal,  
25          State, local, tribal, and foreign law enforcement

1 agencies to execute coordinated activities in further-  
2 ance of border security, and homeland security; and

3 (2) enhancing information-sharing, including  
4 the dissemination of homeland security information  
5 among such agencies.

6 (c) COMPOSITION AND DESIGNATION.—

7 (1) COMPOSITION.—BEST units may be com-  
8 prised of personnel from—

9 (A) United States Immigration and Cus-  
10 toms Enforcement;

11 (B) United States Customs and Border  
12 Protection;

13 (C) the Coast Guard;

14 (D) other Federal agencies, as appropriate;

15 (E) appropriate State law enforcement  
16 agencies;

17 (F) foreign law enforcement agencies, as  
18 appropriate;

19 (G) local law enforcement agencies from  
20 affected border cities and communities; and

21 (H) appropriate tribal law enforcement  
22 agencies.

23 (2) DESIGNATION.—The Secretary is author-  
24 ized to establish BEST units in jurisdictions where  
25 such units can contribute to the BEST program's

1 missions. Prior to establishing a BEST unit, the As-  
2 sistant Secretary shall consider the following factors:

3 (A) Whether the area where the BEST  
4 unit would be established is significantly im-  
5 pacted by cross-border threats.

6 (B) The availability of Federal, State,  
7 local, tribal, and foreign law enforcement re-  
8 sources to participate in the BEST unit.

9 (C) The extent to which border security  
10 threats are having a significant harmful impact  
11 in the jurisdiction in which the BEST unit is  
12 to be established, and other jurisdictions of the  
13 country.

14 (D) Whether or not an Integrated Border  
15 Enforcement Team already exists in the area  
16 where the BEST unit would be established.

17 (d) OPERATION.—After making a designation under  
18 subsection (d)(2), and in order to provide Federal assist-  
19 ance to the area so designated, the Secretary may—

20 (1) obligate such sums as are appropriated for  
21 the BEST program;

22 (2) direct the assignment of Federal personnel  
23 to the BEST program, subject to the approval of the  
24 head of the department or agency that employs such  
25 personnel; and



1           (3) take other actions to assist State, local,  
2       tribal, and foreign jurisdictions to participate in the  
3       BEST program.

4       (e) REPORT.—Not later than 180 days after the date  
5       of the establishment of the BEST program under sub-  
6       section (b) and annually thereafter, the Secretary shall  
7       submit to Congress a report on the effectiveness of the  
8       BEST program in enhancing border security and reducing  
9       the drug trafficking, arms smuggling, illegal alien traf-  
10      ficking and smuggling, violence, and kidnapping along and  
11      across the international borders of the United States as  
12      measured by crime statistics, including violent deaths, in-  
13      cidents of violence, and drug-related arrests.

14   **SEC. 605. COST-EFFECTIVE TRAINING FOR BORDER PA-**  
15                   **TROL AGENTS.**

16       (a) GOVERNMENT ACCOUNTABILITY OFFICE RE-  
17      VIEW.—Not later than 90 days after the date of the enact-  
18      ment of this Act, the Comptroller General of the United  
19      States shall conduct a review of the basic training pro-  
20      vided by United States Customs and Border Protection  
21      to Border Patrol agents to ensure that such training is  
22      being conducted as efficiently and cost-effectively as pos-  
23      sible.

24       (b) CONTENTS OF REVIEW.—The review shall include  
25      the following:

1           (1) An evaluation of the appropriateness of the  
2           length and content of the basic training curriculum  
3           provided by the Federal Law Enforcement Training  
4           Center to new Border Patrol agents.

5           (2) An evaluation of the appropriateness and a  
6           detailed breakdown of the costs incurred by United  
7           States Customs and Border Protection and the Fed-  
8           eral Law Enforcement Training Center to train one  
9           new Border Patrol agent.

10          (3) A cost and effectiveness of training com-  
11          parison with other similar law enforcement training  
12          programs provided by State and local agencies, non-  
13          profit organizations, universities, and the private  
14          sector.

15          (4) Recommendations to increase the number of  
16          Border Patrol agents trained per year, and to reduce  
17          the per-agent costs of basic training—

18                (A) through utilization of comparable  
19                training programs sponsored by State and local  
20                agencies, non-profit organizations, universities,  
21                and the private sector;

22                (B) by allowing Border Patrol agents to  
23                take proficiency tests, enroll in long distance  
24                learning programs, and waive such courses as

1 Spanish language instruction or physical fit-  
2 ness; or

3 (C) by any other means the Comptroller  
4 General considers appropriate.

5 **SEC. 606. BORDER SECURITY ON CERTAIN FEDERAL LANDS.**

6 (a) SUPPORT FOR BORDER SECURITY.—

7 (1) IN GENERAL.—Notwithstanding any other  
8 provision of law, U.S. Customs and Border Protec-  
9 tion shall have access to Federal lands for security  
10 activities, including—

11 (A) routine motorized patrols; and

12 (B) the deployment of temporary tactical  
13 infrastructure.

14 (2) OPERATION.—The security activities de-  
15 scribed in paragraph (1) shall be conducted, to the  
16 maximum extent practicable, in a manner that the  
17 Secretary determines will best protect the natural  
18 and cultural resources on Federal lands.

19 (b) LIMITATION REGARDING INTERMINGLED PRI-  
20 VATE AND STATE LAND.—This section shall not apply to  
21 any private or State-owned land within the boundaries of  
22 Federal lands.

23 (c) FEDERAL LANDS DEFINED.—In this section, the  
24 term “Federal lands” includes all land, including a compo-  
25 nent of the National Wilderness Preservation System,

1 under the control of any Federal department or agency  
2 with legal jurisdiction over such land that is located within  
3 150 miles of the Southwest border.

4 **SEC. 607. BORDER SECURITY INFRASTRUCTURE AND TECH-**  
5 **NOLOGY.**

6 (a) IN GENERAL.—The Commissioner, in collabora-  
7 tion with the Under Secretary for Science and Technology,  
8 shall identify equipment and technology described in sub-  
9 section (b) that would enhance the security of the northern  
10 and southern borders.

11 (b) EQUIPMENT AND TECHNOLOGY DESCRIBED.—

12 The equipment and technology referred to in subsection  
13 (a) shall include equipment and technology designed to—

14 (1) detect anomalies such as tunnels and  
15 breaches in perimeter security;

16 (2) detect the use of unauthorized vehicles;

17 (3) detect low-flying aircraft;

18 (4) employ unmanned vehicles; or

19 (5) otherwise strengthen the ability to detect  
20 and deter unlawful entries between ports of entry.

21 (c) CONSULTATION.—In carrying out this section, the  
22 Commissioner shall consult with the Assistant Secretary  
23 of Defense for Research and Engineering to leverage exist-  
24 ing research and development of relevant equipment and  
25 technologies.

1   **SEC. 608. NORTHERN BORDER CANINE TEAMS.**

2           (a) DEPLOYMENT OF CANINES.—Not later than one  
3 year after the date of the enactment of this Act, the Sec-  
4 retary shall deploy no less than one additional canine en-  
5 forcement team, capable of detecting narcotics, at each of  
6 the 5 busiest northern ports of entry as determined by  
7 traffic volume, and at other ports of entry as the Secretary  
8 determines appropriate.

9           (b) ACQUISITION OF CANINES.—In acquiring canine  
10 assets required under subsection (a), the Secretary shall,  
11 to the greatest extent possible, acquire canines that are  
12 bred in the United States.

13          (c) REPORTING REQUIREMENT.—One year after the  
14 deployment of additional canines under subsection (a), the  
15 Secretary shall provide information to the appropriate  
16 congressional committees analyzing the effectiveness of  
17 the canine enforcement teams in enhancing operational  
18 control and reducing the unlawful trafficking of drugs, or  
19 for other homeland security missions, with comparisons to  
20 relevant statistics measuring similar activity in prior  
21 years.

22          (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated \$1,000,000 to carry out this  
24 section.

1   **SEC. 609. UNMANNED VEHICLES PILOT PROGRAM.**

2           (a) IN GENERAL.—Not later than six months after  
3 the date of the enactment of this Act, the Commissioner,  
4 in cooperation with the Under Secretary of Homeland Se-  
5 curity for Science and Technology, shall initiate a six-  
6 month pilot program to test the use of autonomous un-  
7 manned vehicles.

8           (b) LOCATION.—The pilot program shall, at a min-  
9 imum, test the effectiveness of autonomous unmanned ve-  
10 hicles to patrol—

11               (1) the maritime environment along the north-  
12               ern border; and

13               (2) the land environment along the southern  
14               border.

15           (c) REPORT.—Not later than six months after the  
16 date of the completion of the pilot program, the Under  
17 Secretary of Homeland Security for Science and Tech-  
18 nology shall submit to the appropriate congressional com-  
19 mittees a report on the effectiveness and scalability of the  
20 use of autonomous unmanned vehicles to patrol the loca-  
21 tions described in subsection (b).

22           (d) USE OF AVAILABLE FUNDING.—The Secretary  
23 may use funding already appropriated for the Innovative  
24 Technology Pilot Program to pay for the pilot described  
25 in this section.

1   **SEC. 610. REPORT ON UNMANNED AERIAL VEHICLES.**

2           (a) IN GENERAL.—Not later than 270 days after the  
3   date of the enactment of this Act, the Comptroller General  
4   of the United States shall submit to the appropriate con-  
5   gressional committees a report that analyzes and com-  
6   pares the costs and missions of different aviation assets,  
7   including unmanned aerial vehicles, utilized by U.S. Cus-  
8   toms and Border Protection and the Coast Guard, to as-  
9   sess the cost efficiencies and operational advantages pro-  
10   vided by unmanned aerial vehicles as compared to manned  
11   aerial vehicles.

12          (b) REQUIRED DATA.—The report required under  
13   subsection (a) shall include a detailed assessment of costs  
14   for operating each type of asset described in such report,  
15   including—

16           (1) fuel costs;

17           (2) crew and staffing costs;

18           (3) maintenance costs;

19           (4) communication and satellite bandwidth  
20   costs;

21           (5) costs associated with the acquisition of each  
22   type of such asset; and

23           (6) any other relevant costs necessary to pro-  
24   vide a holistic analysis and to identify potential cost  
25   savings.

1 **SEC. 611. STUDENT VISA SECURITY IMPROVEMENT.**

2 (a) ENHANCED STUDENT VISA BACKGROUND  
3 CHECKS.—Section 428(e) of the Homeland Security Act  
4 of 2002 (6 U.S.C. 236(e)) is amended by adding at the  
5 end the following new paragraph:

6 “(9) STUDENT VISAS.—In administering the  
7 program under this subsection, the Secretary, not  
8 later than 180 days after the date of the enactment  
9 of the Student Visa Security Improvement Act,  
10 shall—

11 “(A) prescribe regulations to require em-  
12 ployees assigned under paragraph (1) to review  
13 the applications of all applicants recommended  
14 by Department of State personnel for visas  
15 under subparagraph (F), (J), or (M) of section  
16 101(a)(15) of the Immigration and Nationality  
17 Act (8 U.S.C. 1101(a)(15)), and conduct in-  
18 person interviews where appropriate, prior to  
19 final adjudication, with special emphasis on de-  
20 termining whether applicants are inadmissible  
21 under section 212(a)(3)(B) of such Act (8  
22 U.S.C. 1182(a)(3)(B)) (relating to terrorist ac-  
23 tivities);

24 “(B) ensure that employees assigned under  
25 paragraph (1) conduct on-site reviews of any  
26 applications and supporting documentation for



1 visas under subparagraph (F), (J), or (M) of  
2 section 101(a)(15) of the Immigration and Na-  
3 tionality Act (8 U.S.C. 1101(a)(15)) that they  
4 deem appropriate prior to final adjudication;  
5 and

6 “(C) update, in consultation with the Sec-  
7 retary of State, the memorandum of under-  
8 standing between the Department of Homeland  
9 Security and the Department of State regard-  
10 ing implementation of this section to clarify the  
11 roles and responsibilities of employees assigned  
12 under paragraph (1) specifically with regard to  
13 the duties prescribed by this paragraph.”.

14 (b) STUDENT AND EXCHANGE VISITOR PROGRAM.—  
15 Section 442 of the Homeland Security Act of 2002 (6  
16 U.S.C. 252) is amended—

17 (1) in subsection (a)—

18 (A) by redesignating paragraph (5) as  
19 paragraph (11); and

20 (B) by inserting after paragraph (4) the  
21 following new paragraph:

22 “(5) STUDENT AND EXCHANGE VISITOR PRO-  
23 GRAM.—In administering the program under para-  
24 graph (4), the Secretary shall, not later than one

1 year after the date of the enactment of the Student  
2 Visa Security Improvement Act—

3 “(A) prescribe regulations to require an in-  
4 stitution or exchange visitor program sponsor  
5 participating in the Student and Exchange Vis-  
6 itor Program to ensure that each covered stu-  
7 dent or exchange visitor enrolled at the institu-  
8 tion or attending the exchange visitor pro-  
9 gram—

10 “(i) is an active participant in the  
11 program for which the covered student or  
12 exchange visitor was issued a visa to enter  
13 the United States;

14 “(ii) is not unobserved for any pe-  
15 riod—

16 “(I) exceeding 30 days during  
17 any academic term or program in  
18 which the covered student or exchange  
19 visitor is enrolled; or

20 “(II) exceeding 60 days during  
21 any period not described in subclause  
22 (I); and

23 “(iii) is reported to the Department  
24 within 10 days of—

1 “(I) transferring to another insti-  
2 tution or program;

3 “(II) changing academic majors;

4 or

5 “(III) any other changes to infor-  
6 mation required to be maintained in  
7 the system described in paragraph  
8 (4);

9 “(B) notwithstanding subparagraph (A),  
10 require each covered student or exchange visitor  
11 to be observed at least once every 60 days; and

12 “(C) prescribe regulations defining what  
13 constitutes the commencement of participation  
14 of a covered student in a designated exchange  
15 visitor program (as defined in section 641(h) of  
16 the Illegal Immigration Reform and Immigrant  
17 Responsibility Act of 1996 (8 U.S.C. 1372(h))).

18 “(6) ENHANCED ACCESS.—The Secretary shall  
19 provide access to the Student and Exchange Visitor  
20 Information System (hereinafter in this subsection  
21 referred to as the ‘SEVIS’), or other equivalent or  
22 successor program or system, to appropriate employ-  
23 ees of an institution or exchange visitor program  
24 sponsor participating in the Student and Exchange  
25 Visitor Program if—

1           “(A) at least two authorized users are  
2 identified at each participating institution or  
3 exchange visitor sponsor;

4           “(B) at least one additional authorized  
5 user is identified at each such institution or  
6 sponsor for every 200 covered students or ex-  
7 change visitors enrolled at the institution or  
8 sponsor; and

9           “(C) each authorized user is certified by  
10 the Secretary as having completed an appro-  
11 priate training course provided by the Depart-  
12 ment for the program or system.

13           “(7) PROGRAM SUPPORT.—The Secretary shall  
14 provide appropriate technical support options to fa-  
15 cilitate use of the program or system described in  
16 paragraph (4) by authorized users.

17           “(8) SEVIS DATA.—The system described in  
18 paragraph (4) shall include—

19           “(A) verification that a covered student’s  
20 performance meets the minimum academic  
21 standards of the institution in which such stu-  
22 dent is enrolled; and

23           “(B) timely entry of any information re-  
24 quired by paragraph (5) regarding covered stu-

1           dents and exchange visitors enrolled at institu-  
2           tions or exchange program sponsors.

3           “(9) SAVINGS CLAUSE.—Nothing in this section  
4           shall prohibit the Secretary or any institution or ex-  
5           change program sponsor participating in the Stu-  
6           dent Exchange Visitor Program from requiring more  
7           frequent observations of covered students or ex-  
8           change visitors.

9           “(10) DECERTIFICATION.—The Secretary is au-  
10          thorized, without notice, to decertify any approved  
11          institution or exchange visitor program sponsor if  
12          such institution or exchange visitor program sponsor  
13          is engaged in egregious criminal activities or is a  
14          threat to national security.”; and

15          (2) by adding at the end the following new sub-  
16          section:

17          “(d) DEFINITIONS.—For purposes of this section:

18                 “(1) The term ‘covered student’ means a stu-  
19                 dent who is a nonimmigrant pursuant to subpara-  
20                 graph (F), (J), or (M) of section 101(a)(15) of the  
21                 Immigration and Nationality Act (8 U.S.C.  
22                 1101(a)(15)).

23                 “(2) The term ‘observed’ means positively iden-  
24                 tified by physical or electronic means.

1           “(3) The term ‘authorized user’ means an indi-  
2           vidual nominated by an institution participating in  
3           the Student and Exchange Visitor Program and con-  
4           firmed by the Secretary as not appearing on any ter-  
5           rorist watch list.”.

6           (c) COMPTROLLER GENERAL REVIEW.—The Comp-  
7           troller General shall conduct a review of the fees for the  
8           Student and Exchange Visitor Program of the Depart-  
9           ment of Homeland Security. The Comptroller General  
10          shall include in such review data from fiscal years 2007  
11          through 2011 and shall consider fees collected by the De-  
12          partment and all expenses associated with the review,  
13          issuance, maintenance, data collection, and enforcement  
14          functions of the Student and Exchange Visitor Program.

15       **SEC. 612. ASIA-PACIFIC ECONOMIC COOPERATION BUSI-**  
16                               **NESS TRAVEL CARDS.**

17          (a) IN GENERAL.—The Secretary of Homeland Secu-  
18          rity, in coordination with the Secretary of State, may issue  
19          Asia-Pacific Economic Cooperation Business Travel Cards  
20          (in this section referred to as “ABT Cards”) to any eligi-  
21          ble person, including—

22               (1) business leaders; and

23               (2) United States Government officials engaged  
24          in Asia-Pacific Economic Cooperation (APEC) busi-  
25          ness.

1 (b) ELIGIBILITY.—To be eligible for an ABT Card  
2 under this section, an individual must be approved and  
3 in good standing in an international trusted traveler pro-  
4 gram of the Department of Homeland Security.

5 (c) INTEGRATION WITH EXISTING TRAVEL PRO-  
6 GRAMS.—The Secretary shall, to the extent practicable, in-  
7 tegrate application procedures for, and issuance, suspen-  
8 sion, and revocation of, ABT Cards with other appropriate  
9 international trusted traveler programs conducted by the  
10 Department.

11 (d) COOPERATION WITH PRIVATE ENTITIES.—In  
12 carrying out this section, the Secretary may consult with  
13 appropriate private sector entities.

14 (e) REGULATIONS.—The Secretary may prescribe  
15 such regulations as may be necessary to implement this  
16 section.

17 (f) FEES.—

18 (1) IN GENERAL.—The Secretary may charge a  
19 fee for the issuance of ABT Cards and any associ-  
20 ated costs which shall be set at a level that will en-  
21 sure recovery of the full costs of providing and ad-  
22 ministering the ABT Cards.

23 (2) ACCOUNT FOR COLLECTIONS.—The Sec-  
24 retary may establish a fund for the collection of fees

1 under paragraph (1), which shall be made available  
2 to pay the costs incurred to administer.

3 (3) LIMITATION.—The Secretary shall ensure  
4 that the total amount of any fee available to be used  
5 under paragraph (4) in any fiscal year does not ex-  
6 ceed the costs associated with carrying out this sec-  
7 tion in such fiscal year.

8 (g) TERMINATION OF PROGRAM.—The Secretary, in  
9 consultation with the Secretary of State, may terminate  
10 activities under this section if the Secretary deems it in  
11 the interest of the United States to do so.

12 **TITLE VII—SCIENCE AND**  
13 **TECHNOLOGY**  
14 **Subtitle A—Directorate of Science**  
15 **and Technology**

16 **SEC. 701. DIRECTORATE OF SCIENCE AND TECHNOLOGY**  
17 **STRATEGIC PLAN.**

18 (a) IN GENERAL.—Title III of the Homeland Secu-  
19 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by  
20 adding at the end the following new section:

21 **“SEC. 318. STRATEGIC PLAN.**

22 **“(a) REQUIREMENT FOR STRATEGY.—**The Under  
23 Secretary for Science and Technology shall develop, and  
24 update as necessary, a strategy to guide the activities of  
25 the Directorate of Science and Technology. The strategy



1 shall be risk-based and aligned with other strategic guid-  
2 ance provided by—

3 “(1) the National Strategy for Homeland Secu-  
4 rity;

5 “(2) the Quadrennial Homeland Security Re-  
6 view;

7 “(3) the Capabilities and Requirements Council  
8 established under section 709; and

9 “(4) other relevant strategic planning docu-  
10 ments, as determined by the Under Secretary.

11 “(b) CONTENTS.—The strategy required by sub-  
12 section (a) shall be prepared in accordance with applicable  
13 Federal requirements and guidelines, and shall include the  
14 following:

15 “(1) Long-term strategic goals, objectives, and  
16 metrics of the Directorate.

17 “(2) Analysis of how the research programs of  
18 the Directorate support achievement of those stra-  
19 tegic goals and objectives.

20 “(3) A description of how the activities and pro-  
21 grams of the Directorate meet the requirements or  
22 homeland security capability gaps identified by cus-  
23 tomers within and outside of the Department, in-  
24 cluding the first responder community.

1           “(4) The role of the Department’s risk analysis  
2           activities and programs of the Directorate.

3           “(5) A technology transition strategy for the  
4           programs of the Directorate.

5           “(6) A description of the policies of the Direc-  
6           torate on the management, organization, and per-  
7           sonnel of the Directorate.

8           “(c) SUBMISSION OF PLAN TO CONGRESS.—The Sec-  
9           retary shall submit to the appropriate congressional com-  
10          mittees the strategy developed under subsection (a) and  
11          any update to the strategy.”.

12          (b) DEADLINE.—The Under Secretary for Science  
13          and Technology shall develop and submit to the appro-  
14          priate congressional committees the initial strategy re-  
15          quired under the amendment made by subsection (a) by  
16          not later than 1 year after the date of enactment of this  
17          Act.

18          (c) CLERICAL AMENDMENT.—The table of contents  
19          in section 1(b) is amended by adding at the end of the  
20          items relating to title III the following new item:

          “Sec. 318. Strategic plan.”.

21       **SEC. 702. 5-YEAR RESEARCH AND DEVELOPMENT PLAN.**

22          (a) IN GENERAL.—Title III of the Homeland Secu-  
23          rity Act of 2002 (6 U.S.C. 181 et seq.) is further amended  
24          by adding at the end the following new section:

1 **“SEC. 319. 5-YEAR RESEARCH AND DEVELOPMENT PLAN.**

2 “(a) IN GENERAL.—The Under Secretary for Science  
3 and Technology shall develop, and revise at least every 5  
4 years, a 5-year research and development plan for the ac-  
5 tivities of the Directorate of Science and Technology.

6 “(b) CONTENTS.—The 5-year research and develop-  
7 ment plan developed under subsection (a) shall—

8 “(1) define the Directorate’s research, develop-  
9 ment, testing, and evaluation activities, priorities,  
10 performance metrics, and key milestones and  
11 deliverables for the 5-fiscal-year period from 2013  
12 through 2017, and for each 5-fiscal-year period  
13 thereafter;

14 “(2) link the activities identified in paragraph  
15 (1) to the goals and objectives described in the stra-  
16 tegic plan developed under section 318, the research  
17 requirements established in section 320, and the  
18 operational capability needs as determined by the  
19 Capabilities and Requirements Council established  
20 under section 709;

21 “(3) describe, for each activity of the strategic  
22 plan, the planned annual funding levels for the pe-  
23 riod covered by the plan; and

24 “(4) indicate joint investments with other Fed-  
25 eral partners where applicable.

1       “(c) SCOPE OF THE PLAN.—The Under Secretary  
2 shall ensure that each plan developed under subsection  
3 (a)—

4               “(1) reflects input from a wide range of stake-  
5 holders; and

6               “(2) takes into account how research and devel-  
7 opment by other Federal, State, private sector, and  
8 nonprofit institutions contributes to the achievement  
9 of the priorities identified in the plan, and avoids  
10 unnecessary duplication with these efforts.

11       “(d) REPORTS.—At the time the President submits  
12 each annual budget request, the Under Secretary shall  
13 provide a report to the appropriate congressional commit-  
14 tees on the status and results to date of implementation  
15 of the current 5-year research and development plan, in-  
16 cluding—

17               “(1) a summary of the research and develop-  
18 ment activities for the previous fiscal year in each  
19 topic area;

20               “(2) the annual expenditures in each topic area;

21               “(3) an assessment of progress of the research  
22 and development activities based on the performance  
23 metrics and milestones set forth in the plan; and

24               “(4) any changes to the plan.”.

1 (b) DEADLINE.—The Under Secretary for Science  
2 and Technology shall develop and submit to the appro-  
3 priate congressional committees the first 5-year homeland  
4 security research and development plan required under  
5 subsection (a), for fiscal years 2013 through 2017, by not  
6 later than 1 year after the date of enactment of this Act.

7 (c) CLERICAL AMENDMENT.—The table of contents  
8 in section 1(b) is further amended by adding at the end  
9 of the items relating to title III the following new item:

“Sec. 319. 5-year research and development plan.”.

10 **SEC. 703. IDENTIFICATION AND PRIORITIZATION OF RE-**  
11 **SEARCH AND DEVELOPMENT REQUIRE-**  
12 **MENTS.**

13 (a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.)  
14 is further amended by adding at the end the following new  
15 section:

16 **“SEC. 320. IDENTIFICATION AND PRIORITIZATION OF RE-**  
17 **SEARCH AND DEVELOPMENT REQUIRE-**  
18 **MENTS.**

19 “(a) IN GENERAL.—The Under Secretary for Science  
20 and Technology shall establish and implement a process  
21 to identify, prioritize, fund, and task the basic and applied  
22 homeland security research and development activities of  
23 the Directorate of Science and Technology.

24 “(b) PROCESS.—The process established under sub-  
25 section (a) shall—

1           “(1) account for Departmentwide priorities as  
2       defined by the Capabilities and Requirements Coun-  
3       cil established under section 709;

4           “(2) be responsive to near-, mid-, and long-term  
5       needs, including unanticipated needs to address  
6       emerging threats;

7           “(3) utilize gap analysis and risk assessment  
8       tools where available and applicable;

9           “(4) include protocols to assess—

10           “(A) off-the-shelf technology to determine  
11       if an identified homeland security capability gap  
12       can be addressed through the acquisition proc-  
13       ess instead of commencing research and devel-  
14       opment of technology to address that capability  
15       gap; and

16           “(B) research and development activities  
17       pursued by other executive agencies, to deter-  
18       mine if technology can be leveraged to address  
19       an identified homeland security capability gap;

20           “(5) provide for documented and validated re-  
21       search and development requirements;

22           “(6) establish roles and responsibilities for the  
23       Under Secretary for Science and Technology, the  
24       Under Secretary for Policy, the Under Secretary for

1 Management, and the heads of operational compo-  
2 nents of the Department;

3 “(7) strengthen first responder participation in  
4 identifying and prioritizing homeland security tech-  
5 nological gaps, including by—

6 “(A) soliciting feedback from appropriate  
7 national associations and advisory groups rep-  
8 resenting the first responder community and  
9 first responders within the components of the  
10 Department; and

11 “(B) establishing and promoting a publicly  
12 accessible portal to allow the first responder  
13 community to help the Directorate develop  
14 homeland security research and development  
15 goals;

16 “(8) institute a mechanism to publicize the De-  
17 partment’s funded and unfunded homeland security  
18 technology priorities for the purpose of informing  
19 the Federal, State, and local governments, first re-  
20 sponders, and the private sector;

21 “(9) establish considerations to be used by the  
22 Directorate in selecting appropriate research enti-  
23 ties, including the national laboratories, federally  
24 funded research and development centers, university-

1 based centers, and the private sector, to carry out  
2 research and development requirements; and

3 “(10) include any other criteria or measures the  
4 Secretary considers necessary for the identification  
5 and prioritization of research requirements.”.

6 (b) DEADLINE.—The Under Secretary for Science  
7 and Technology shall establish and begin implementing  
8 the process required by the amendment made by sub-  
9 section (a) by not later than 180 days after the date of  
10 enactment of this Act.

11 (c) CLERICAL AMENDMENT.—The table of contents  
12 in section 1(b) is further amended by adding at the end  
13 of the items relating to title III the following new item:

“Sec. 320. Identification and prioritization of research and development re-  
quirements.”.

14 **SEC. 704. RESEARCH AND DEVELOPMENT PROGRESS.**

15 (a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.)  
16 is further amended by adding at the end the following new  
17 section:

18 **“SEC. 321. MONITORING PROGRESS.**

19 “(a) IN GENERAL.—The Under Secretary for Science  
20 and Technology shall monitor the progress of the research,  
21 development, testing, and evaluation activities undertaken  
22 by the Directorate of Science and Technology, and shall  
23 provide, at a minimum on a biannual basis, regular up-



1 dates on that progress to relevant customers of those ac-  
2 tivities.

3 “(b) REQUIREMENTS OF PROGRESS UPDATES.—In  
4 order to provide the progress updates required under sub-  
5 section (a), the Under Secretary shall develop a system  
6 that—

7 “(1) monitors progress toward project mile-  
8 stones identified by the Under Secretary;

9 “(2) maps progress toward deliverables identi-  
10 fied in the 5-year plan required under section 319;

11 “(3) generates up-to-date reports to customers  
12 that transparently disclose the status and progress  
13 of research, development, testing, and evaluation ef-  
14 forts of the Directorate;

15 “(4) evaluates the extent to which a technology  
16 or service produced as a result of the Directorate’s  
17 programs has addressed homeland security capa-  
18 bility gaps and requirements as determined by the  
19 Capabilities and Requirements Council established  
20 under section 709; and

21 “(5) allows the Under Secretary to report the  
22 number of products and services developed by the  
23 Directorate that have been transitioned into acquisi-  
24 tion programs and resulted in successfully fielded  
25 technologies.

1 “(c) EVALUATION METHODS.—

2 “(1) EXTERNAL INPUT, CONSULTATION, AND  
3 REVIEW.—The Under Secretary shall implement  
4 procedures to engage outside experts in assisting in  
5 the evaluation of the progress of research and devel-  
6 opment programs or activities of the Directorate, in-  
7 cluding through—

8 “(A) consultation with experts, including  
9 scientists and practitioners, to gather inde-  
10 pendent expert peer opinion and advice on a  
11 project or on specific issues or analyses con-  
12 ducted by the Directorate; and

13 “(B) periodic, independent, external review  
14 to assess the quality and relevance of the Direc-  
15 torate’s programs and projects.

16 “(2) CUSTOMER FEEDBACK.—The Under Sec-  
17 retary shall establish a formal process to collect  
18 feedback from customers of the Directorate on the  
19 performance of the Directorate, that includes—

20 “(A) appropriate methodologies through  
21 which customers can assess the quality and use-  
22 fulness of technology and services delivered by  
23 the Directorate;

24 “(B) development of metrics for measuring  
25 customer satisfaction and the usefulness of any

1 technology or service provided by the Direc-  
2 torate; and

3 “(C) standards for high-quality customer  
4 service.”.

5 (b) CLERICAL AMENDMENT.—The table of contents  
6 in section 1(b) is further amended by adding at the end  
7 of the items relating to title III the following new item:  
“Sec. 321. Monitoring progress.”.

8 **SEC. 705. ACQUISITION AND OPERATIONS SUPPORT.**

9 (a) RESPONSIBILITIES AND AUTHORITIES OF THE  
10 UNDER SECRETARY.—Section 302 (6 U.S.C. 183) is  
11 amended by striking “and” after the semicolon at the end  
12 of paragraph (13), by striking the period at the end of  
13 paragraph (14) and inserting “; and”, and by adding at  
14 the end the following new paragraph:

15 “(15) providing science-based, analytic capa-  
16 bility and capacity across the Department to—

17 “(A) support technological assessments of  
18 major acquisition programs throughout the ac-  
19 quisition lifecycle;

20 “(B) help define appropriate technological  
21 requirements and perform feasibility analysis;

22 “(C) assist in evaluating new and emerging  
23 technologies against capability gaps;

24 “(D) support evaluation of alternatives;  
25 and

1                   “(E) improve the use of technology De-  
2                   partmentwide.”.

3           (b) TECHNOLOGY READINESS ASSESSMENT PROC-  
4   ESS.—Section 308 (6 U.S.C. 188) is amended by adding  
5   at the end the following new subsection:

6           “(d) TECHNOLOGY READINESS ASSESSMENT PROC-  
7   ESS.—

8                   “(1) IN GENERAL.—The Under Secretary for  
9           Science and Technology shall establish a formal, sys-  
10          tematic, metrics-based process to comprehensively  
11          evaluate technology maturity and reduce technical  
12          risks, that includes—

13                   “(A) an independent assessment of the  
14           performance, maturity, suitability, and  
15           supportability of a technology and associated  
16           risks;

17                   “(B) technology readiness evaluations to  
18           establish technology readiness levels as a meas-  
19           ure of the maturity of the technology; and

20                   “(C) provision of a report containing the  
21           findings and conclusions of each assessment  
22           conducted under the process provided, to the  
23           appropriate customers and personnel of the De-  
24           partment.

25                   “(2) APPLICATION.—

1 “(A) IN GENERAL.—Except as provided in  
2 subparagraph (B), the process shall be applied  
3 to—

4 “(i) technology developed by the Di-  
5 rectorate; and

6 “(ii) technology being procured or  
7 considered by any component of the De-  
8 partment as part of a major acquisition  
9 program.

10 “(B) LIMITATION.—The Under Secretary  
11 shall not apply the process to—

12 “(i) radiological or nuclear detection  
13 and countermeasure technologies developed  
14 or procured by the Department; and

15 “(ii) procurement of information tech-  
16 nology.”.

17 **SEC. 706. OPERATIONAL TEST AND EVALUATION.**

18 (a) IN GENERAL.—Title VII (6 U.S.C. 341 et seq.)  
19 is further amended by adding at the end of the following  
20 new section:

21 **“SEC. 713. OPERATIONAL TEST AND EVALUATION.**

22 “(a) ESTABLISHMENT.—There is established within  
23 the Department a Director of Operational Test and Eval-  
24 uation.

1       “(b) RESPONSIBILITIES, AUTHORITIES, AND FUNC-  
2 TIONS.—The Director of Operational Test and Evalua-  
3 tion—

4           “(1) shall advise the Secretary, the Under Sec-  
5 retary for Management, the Under Secretary for  
6 Science and Technology, and the heads of other rel-  
7 evant components of the Department regarding all  
8 activities related to operational test and evaluation  
9 in the Department; and

10          “(2) shall—

11           “(A) prescribe operational test and evalua-  
12 tion policies and procedures for the Depart-  
13 ment, which shall include policies to ensure that  
14 operational testing is done at facilities that al-  
15 ready have relevant and appropriate safety and  
16 material certifications to the extent such facili-  
17 ties are available;

18           “(B) ensure the effectiveness, reliability,  
19 and suitability of operational testing and eval-  
20 uation activities planned and conducted by or  
21 on behalf of components of the Department in  
22 major acquisition programs of the Department;

23           “(C) review and approve all operational  
24 test plans and evaluation procedures for major  
25 acquisition programs of the Department;

1           “(D) provide the Department with inde-  
2           pendent and objective assessments of the ade-  
3           quacy of operational testing and evaluation ac-  
4           tivities conducted by or on behalf of the Depart-  
5           ment for major acquisition programs of the De-  
6           partment; and

7           “(E) coordinate operational testing con-  
8           ducted jointly by more than one component of  
9           the Department.

10       “(c) ACCESS TO INFORMATION.—The Director of  
11   Operational Test and Evaluation—

12           “(1) shall have prompt and full access to test  
13           and evaluation and acquisition documents, data, and  
14           test results of the Department that the Director con-  
15           siders necessary in order to carry out the duties  
16           under this section; and

17           “(2) may designate observers to be present dur-  
18           ing the preparation for and the conducting of any  
19           operational test and evaluation within the Depart-  
20           ment.

21       “(d) LIMITATION.—The Director is not required to  
22   carry out operational testing.”.

23       (b) CLERICAL AMENDMENT.—The table of contents  
24   in section 1(b) is further amended by adding at the end  
25   of the items relating to such title the following:

“Sec. 713. Operational test and evaluation.”.

1 **SEC. 707. AVAILABILITY OF TESTING FACILITIES AND**  
2 **EQUIPMENT.**

3 (a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.)  
4 is further amended by adding at the end the following new  
5 section:

6 **“SEC. 322. AVAILABILITY OF TESTING FACILITIES AND**  
7 **EQUIPMENT.**

8 “(a) IN GENERAL.—The Under Secretary for Science  
9 and Technology may make available to any person, for an  
10 appropriate fee, the services of any testing facility owned  
11 by the Federal Government and operated by the Direc-  
12 torate for Science and Technology for the testing of mate-  
13 rials, equipment, models, computer software, and other  
14 items designed to advance the homeland security mission.

15 “(b) INTERFERENCE WITH FEDERAL PROGRAMS.—  
16 The Under Secretary shall ensure that the testing at such  
17 facilities of materials, equipment, models, computer soft-  
18 ware, or other items not owned by the Federal Govern-  
19 ment do not cause personnel or other resources of the Fed-  
20 eral Government to be diverted from scheduled Federal  
21 Government tests or otherwise interfere with Federal Gov-  
22 ernment mission requirements.

23 “(c) CONFIDENTIALITY OF TEST RESULTS.—The re-  
24 sults of tests performed by a person with services made  
25 available under subsection (a) and any associated data  
26 provided by the person for the conduct of the tests—



1           “(1) are trade secrets and commercial or finan-  
2           cial information that is privileged or confidential  
3           within the meaning of section 552(b)(4) of title 5,  
4           United States Code; and

5           “(2) may not be disclosed outside the Federal  
6           Government without the consent of the person for  
7           which the tests are performed.

8           “(d) FEES.—The fee for using the services of a facil-  
9           ity under subsection (a) may not exceed the amount nec-  
10          essary to recoup the direct and indirect costs involved,  
11          such as direct costs of utilities, contractor support, and  
12          salaries of personnel, that are incurred by the Federal  
13          Government to provide for the testing.

14          “(e) USE OF FEES.—Any fee collected under sub-  
15          section (a) shall be credited to the appropriations or other  
16          funds of the Directorate of Science and Technology and  
17          shall be used to directly support the research and develop-  
18          ment activities of the Department.”.

19          (b) CLERICAL AMENDMENT.—The table of contents  
20          in section 1(b) is further amended by adding at the end  
21          of the items relating to title III the following new item:

          “Sec. 322. Availability of testing facilities and equipment.”.

22       **SEC. 708. BIOFORENSICS CAPABILITIES.**

23          (a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.)  
24          is further amended by adding at the end the following new  
25          section:

1   **“SEC. 323. BIOFORENSICS CAPABILITIES.**

2           “(a) BIOFORENSICS ANALYSIS CENTER.—There is  
3 authorized in the Department a bioforensics analysis cen-  
4 ter to provide support for law enforcement and intel-  
5 ligence-related investigations and actions to—

6           “(1) provide definitive bioforensics analysis in  
7 support of the executive agencies with primary re-  
8 sponsibilities for preventing, deterring, responding  
9 to, attributing, and recovering from biological at-  
10 tacks; and

11          “(2) undertake other related bioforensics activi-  
12 ties.

13          “(b) PAYMENT FOR SERVICES.—The center shall  
14 charge and retain fees to reimburse the cost of any service  
15 provided to an executive agency that requested such serv-  
16 ice.

17          “(c) DETAILEE PROGRAM.—Subject to the avail-  
18 ability of appropriations, the Secretary may implement a  
19 program under which executive agencies as considered ap-  
20 propriate by the Secretary provide personnel, on a  
21 reimburseable basis, to the center for the purpose of—

22           “(1) providing training and other educational  
23 benefits for such stakeholders to help them to better  
24 understand the policies, procedures, and laws gov-  
25 erning national bioforensics activities; and

1 “(2) bolstering the capabilities and information  
2 sharing activities of the bioforensics analysis center  
3 authorized under subsection (a) with national bio-  
4 security and biodefense stakeholders.”.

5 (b) CLERICAL AMENDMENT.—The table of contents  
6 in section 1(b) is further amended by adding at the end  
7 of the items relating to title III the following new item:  
“Sec. 323. Bioforensics capabilities.”.

8 **SEC. 709. HOMELAND SECURITY SCIENCE AND TECH-**  
9 **NOLOGY FELLOWS PROGRAM.**

10 (a) IN GENERAL.—Title III of the Homeland Secu-  
11 rity Act of 2002 (6 U.S.C. 181 et seq.) is further amended  
12 by adding at the end the following new section:

13 **“SEC. 324. HOMELAND SECURITY SCIENCE AND TECH-**  
14 **NOLOGY FELLOWS PROGRAM.**

15 “(a) ESTABLISHMENT.—The Secretary, acting  
16 through the Under Secretary for Science and Technology,  
17 shall establish a fellows program, to be known as the  
18 Homeland Security Science and Technology Fellows Pro-  
19 gram, under which the Under Secretary shall facilitate the  
20 temporary placement of scientists in relevant scientific or  
21 technological fields for up to 2 years in components of the  
22 Department with a need for scientific and technological  
23 expertise.

24 “(b) UTILIZATION OF FELLOWS.—

1           “(1) IN GENERAL.—Under the Program, the  
2           Under Secretary may employ fellows—

3                   “(A) for the use of the Directorate of  
4           Science and Technology; or

5                   “(B) for the use of a Department compo-  
6           nent outside such Directorate, under an agree-  
7           ment with the head of such a component under  
8           which the component will reimburse the Direc-  
9           torate for the costs of such employment.

10           “(2) RESPONSIBILITIES.—Under such an  
11           agreement—

12                   “(A) the Under Secretary shall—

13                           “(i) solicit and accept applications  
14                           from individuals who are currently enrolled  
15                           in or who are graduates of postgraduate  
16                           programs in scientific and engineering  
17                           fields related to the promotion of securing  
18                           the homeland, including—

19                                   “(I) biological, chemical, physical,  
20                                   behavioral, social, health, medical, and  
21                                   computational sciences;

22                                   “(II) geosciences;

23                                   “(III) all fields of engineering;

24                                   and

1                   “(IV) such other disciplines as  
2                   are determined relevant by the Sec-  
3                   retary;

4                   “(ii) screen applicant candidates and  
5                   interview them as appropriate to ensure  
6                   that they possess the appropriate level of  
7                   scientific and engineering expertise and  
8                   qualifications;

9                   “(iii) provide a list of qualified appli-  
10                  cants to the heads of Department compo-  
11                  nents seeking to utilize qualified fellows;

12                  “(iv) subject to the availability of ap-  
13                  propriations, pay financial compensation to  
14                  such fellows;

15                  “(v) coordinate with the Chief Secu-  
16                  rity Officer to facilitate and expedite provi-  
17                  sion of security clearances to fellows, as  
18                  appropriate; and

19                  “(vi) otherwise administer all aspects  
20                  of the employment of fellows with the De-  
21                  partment; and

22                  “(B) the head of the component utilizing a  
23                  fellow shall—

1 “(i) select the fellow from the list of  
2 qualified applicants provided by the Under  
3 Secretary;

4 “(ii) reimburse the Under Secretary  
5 for the costs of employing the fellow se-  
6 lected, including administrative costs; and

7 “(iii) be responsible for the day-to-day  
8 management of the fellow.

9 “(c) APPLICATIONS FROM NONPROFIT ORGANIZA-  
10 TIONS.—The Under Secretary may accept an application  
11 under subsection (b)(2)(A) that is submitted by a non-  
12 profit organization on behalf of individuals whom such  
13 nonprofit organization has determined may be qualified  
14 applicants under the program.”.

15 (b) CLERICAL AMENDMENT.—The table of contents  
16 in section 1(b) of such Act is further amended by adding  
17 at the end of the items relating to title III the following  
18 new item:

“Sec. 324. Homeland Security Science and Technology Fellows Program.”.

19 **SEC. 710. HOMELAND SECURITY SCIENCE AND TECH-**  
20 **NOLOGY ADVISORY COMMITTEE.**

21 Section 311 of the Homeland Security Act of 2002  
22 (6 U.S.C. 191) is amended—

23 (1) by striking subsection (a) and inserting the  
24 following:

1       “(a) ESTABLISHMENT.—There is established within  
2 the Directorate of Science and Technology a Science and  
3 Technology Advisory Committee (in this section referred  
4 to as the ‘Advisory Committee’). The Advisory Committee  
5 shall meet no fewer than 2 times each year and make rec-  
6 ommendations with respect to the activities of the Under  
7 Secretary for Science and Technology, including—

8               “(1) identifying research and development areas  
9 of potential importance to the security of the Na-  
10 tion; and

11              “(2) providing advice in developing and updat-  
12 ing the strategic plan under section 318 and the 5-  
13 year homeland security research and development  
14 plan under section 319.”; and

15              (2) in subsection (j), by striking “2008” and  
16 inserting “7 years after the date of enactment of the  
17 Department of Homeland Security Authorization  
18 Act for Fiscal Year 2012”.

19 **SEC. 711. FEDERALLY FUNDED RESEARCH AND DEVELOP-**  
20 **MENT CENTERS.**

21 Section 305 (6 U.S.C. 184) is amended—

22              (1) by inserting “(a) ESTABLISHMENT.—” be-  
23 fore the first sentence; and

24              (2) by adding at the end the following new sub-  
25 sections:

1       “(b) CONFLICTS OF INTEREST.—The Secretary shall  
2 review and revise, as appropriate, the policies of the De-  
3 partment relating to personnel conflicts of interest to en-  
4 sure that such policies specifically address employees of  
5 federally funded research and development centers estab-  
6 lished under this section who are in a position to make  
7 or materially influence research findings or agency deci-  
8 sionmaking.

9       “(c) ANNUAL REPORTS.—Each federally funded re-  
10 search and development center established under this sec-  
11 tion shall transmit to the Secretary and appropriate con-  
12 gressional committees an annual report describing the ac-  
13 tivities of the center in support of the Department.”.

14 **SEC. 712. CRITERIA FOR DESIGNATION AS A UNIVERSITY-**  
15 **BASED CENTER FOR HOMELAND SECURITY.**

16       Section 308(b)(2)(B) (6 U.S.C. 188(b)(2)(B)) is  
17 amended—

18           (1) in the matter preceding clause (i), by strik-  
19 ing “in—” and inserting “in one or more of the fol-  
20 lowing:”;

21           (2) in clause (iii), by inserting before the period  
22 at the end the following: “, including medical readi-  
23 ness training and research, and community resil-  
24 iency for public health and healthcare critical infra-  
25 structure”; and



1 (3) in clause (iv), by striking “and nuclear” and  
2 inserting “nuclear, and explosive”.

3 **SEC. 713. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGE-**  
4 **MENT AT THE SCIENCE AND TECHNOLOGY**  
5 **DIRECTORATE.**

6 (a) IN GENERAL.—The Homeland Security Act of  
7 2002 (6 U.S.C. 101 et seq.) is further amended by insert-  
8 ing after section 846 (as added by section 303(a)) the fol-  
9 lowing:

10 **“SEC. 847. AUTHORITY FOR FLEXIBLE PERSONNEL MAN-**  
11 **AGEMENT AT THE SCIENCE AND TECH-**  
12 **NOLOGY DIRECTORATE.**

13 “(a) IN GENERAL.—To the extent necessary to en-  
14 sure that the Department has the personnel required to  
15 carry out the mission of the Science and Technology Di-  
16 rectorate, the Secretary may—

17 “(1) make appointments to scientific or engi-  
18 neering positions within such Directorate that re-  
19 quire an advanced degree without regard to the pro-  
20 visions of title 5, United States Code, governing ap-  
21 pointments in the competitive service, other than  
22 sections 3303 and 3328 of such title; and

23 “(2) fix the pay of any personnel appointed  
24 under paragraph (1) without regard to the provi-  
25 sions of chapter 51 and subchapter III of chapter 53

1 of such title relating to classification and General  
2 Schedule pay rates.

3 “(b) LIMITATION.—

4 “(1) IN GENERAL.—Not more than 5 percent of  
5 the occupied positions within the Directorate of  
6 Science and Technology may at any time consist of  
7 positions occupied by personnel appointed under this  
8 section.

9 “(2) COUNTING RULE.—For purposes of apply-  
10 ing the limitation set forth in paragraph (1), deter-  
11 minations under this subsection shall be made on a  
12 full-time equivalent basis.

13 “(c) TERMINATION.—The authority to make appoint-  
14 ments under this section shall cease to be available after  
15 January 1, 2017.”.

16 (b) CLERICAL AMENDMENT.—The table of contents  
17 in section 1(b) of the Homeland Security Act of 2002 (6  
18 U.S.C. 101(b)) is further amended by inserting after the  
19 item relating to section 846 (as added by section 303(b))  
20 the following:

“Sec. 847. Authority for flexible personnel management at the Science and  
Technology Directorate.”.

**Subtitle B—Domestic Nuclear  
Detection Office**

**SEC. 721. RADIOLOGICAL AND NUCLEAR DETECTION AND  
COUNTERMEASURES RESEARCH, DEVELOP-  
MENT, TESTING, AND EVALUATION.**

(a) IN GENERAL.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) is amended by adding at the end the following new sections:

**“SEC. 1908. RADIOLOGICAL AND NUCLEAR DETECTION AND  
COUNTERMEASURES RESEARCH, DEVELOP-  
MENT, TESTING, AND EVALUATION.**

“In carrying out radiological and nuclear research, development, testing and evaluation activities required under section 1902, the Director for the Domestic Nuclear Detection Office shall—

“(1) have authorities and carry out responsibilities consistent with those established under sections 302, 305, 308, 309, 320, and 321 for all radiological and nuclear research, development, testing, and evaluation programs of the Department; and

“(2) utilize an appropriate iterative combination of physical tests and computer modeling to provide an analytical basis for assessing detector performance of major radiological and nuclear detection acquisition programs of the Department.

1   **“SEC. 1909. AWARENESS OF THE GLOBAL NUCLEAR DETEC-**  
2                   **TION ARCHITECTURE.**

1   **“SEC. 1910. DOMESTIC IMPLEMENTATION OF THE GLOBAL**  
2                   **NUCLEAR DETECTION ARCHITECTURE.**

3           “(a) IN GENERAL.—In carrying out the responsibil-  
4 ities of the office under section 1902(a)(4)(A), the Direc-  
5 tor shall provide support for planning, organization and  
6 sustainment, equipment, training, exercises, and oper-  
7 ational assessments, to State, local, and tribal entities to  
8 assist in implementing preventive radiological and nuclear  
9 detection capabilities.

10          “(b) DOMESTIC INTERIOR PROGRAMS.—

11               “(1) SECURING THE CITIES.—The Director for  
12 Domestic Nuclear Detection shall establish and  
13 maintain a program to enhance, through State,  
14 local, tribal, and private entities, the Nation’s ability  
15 to detect and prevent a radiological or nuclear at-  
16 tack in high-risk United States cities, as determined  
17 by the Secretary.

18               “(2) SURGE CAPABILITIES.—The Director shall  
19 coordinate development of a surge capability for ra-  
20 diological and nuclear detection systems that can be  
21 deployed within the United States rapidly in re-  
22 sponse to intelligence or warnings that includes pro-  
23 curement of appropriate technology, training, exer-  
24 cises, operational assessments, maintenance, and  
25 support.

1           “(3) INTEGRATION.—The programs under sub-  
2       sections (a) and (b) shall be integrated into the glob-  
3       al nuclear detection architecture and inform archi-  
4       tecture studies, technology gaps, and research activi-  
5       ties of the Domestic Nuclear Detection Office.”.

6       (b) CONFORMING AMENDMENT.—The table of con-  
7       tents in section 1(b) is further amended by adding at the  
8       end of the items relating to such title the following:

          “Sec. 1910. Domestic implementation of the global nuclear detection architec-  
  ture.”.

9       **SEC. 723. RADIATION PORTAL MONITOR ALTERNATIVES.**

10       The Director of the Domestic Nuclear Detection Of-  
11       fice shall analyze and report to the appropriate congres-  
12       sional committees by not later than 90 days after the date  
13       of enactment of this Act on existing and developmental  
14       alternatives that could provide an enhanced capability to  
15       currently deployed radiation portal monitors, the criteria  
16       to measure the operational effectiveness of those alter-  
17       natives, and the expected timeframe and costs to fully de-  
18       velop and deploy those alternatives.

19       **SEC. 724. CONTRACTING AND GRANTMAKING AUTHORI-**  
20       **TIES.**

21       Section 1906 of the Homeland Security Act of 2002  
22       (6 U.S.C. 596) is amended by striking “paragraphs (6)  
23       and (7) of”.

1   **SEC. 725. DOMESTIC NUCLEAR DETECTION IMPLEMENTA-**  
2                   **TION PLAN.**

3           (a) IN GENERAL.—The Secretary shall develop a 5-  
4   year plan of investments necessary to implement the De-  
5   partment of Homeland Security’s responsibilities under  
6   the domestic component of the global nuclear detection ar-  
7   chitecture.

8           (b) CONTENTS.—The 5-year plan developed under  
9   subsection (a) shall—

10           (1) define the roles and responsibilities of each  
11   component of the Department in support of the do-  
12   mestic detection architecture, including any existing  
13   or planned programs to prescreen cargo or convey-  
14   ances overseas;

15           (2) identify and describe the specific invest-  
16   ments being made or planned by the Department  
17   components for the 5-year fiscal period to support  
18   the domestic architecture and the security of sea,  
19   land, and air pathways into the United States;

20           (3) describe the investments necessary to ad-  
21   dress known vulnerabilities and gaps, including asso-  
22   ciated costs and timeframes;

23           (4) explain how the Department’s research and  
24   development funding is furthering the implementa-  
25   tion of the domestic nuclear detection architecture,

1 including specific investments planned for the 5-year  
2 fiscal period; and

3 (5) explain the process used to define, analyze,  
4 and enhance the future domestic component of the  
5 global nuclear detection architecture.

6 (c) DEADLINE.—The Secretary shall submit to the  
7 appropriate congressional committees the plan required  
8 under subsection (a) by not later than 180 days after the  
9 date of enactment of this Act.

10 **TITLE VIII—IMMUNITY FOR RE-**  
11 **PORTS OF SUSPECTED TER-**  
12 **RORIST ACTIVITY OR SUS-**  
13 **PICIOUS BEHAVIOR AND RE-**  
14 **SPONSE**

15 **SEC. 801. SHORT TITLE.**

16 This title may be cited as the “See Something, Say  
17 Something Act of 2011”.

18 **SEC. 802. AMENDMENT TO THE HOMELAND SECURITY ACT**  
19 **OF 2002.**

20 (a) IN GENERAL.—Subtitle H of title VIII of the  
21 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)  
22 is further amended by adding at the end the following:



1 **“SEC. 890B. IMMUNITY FOR REPORTS OF SUSPECTED TER-**  
2 **RORIST ACTIVITY OR SUSPICIOUS BEHAVIOR**  
3 **AND RESPONSE.**

4 “(a) IMMUNITY FOR REPORTS OF SUSPECTED TER-  
5 RORIST ACTIVITY OR SUSPICIOUS BEHAVIOR AND RE-  
6 SPONSE.—

7 “(1) IN GENERAL.—Any person who, in good  
8 faith and based on objectively reasonable suspicion,  
9 makes, or causes to be made, a voluntary report of  
10 covered activity to an authorized official shall be im-  
11 mune from civil liability under Federal, State, and  
12 local law for such report.

13 “(2) FALSE REPORTS.—Paragraph (1) shall not  
14 apply to any report that the person knew to be false  
15 or was made with reckless disregard for the truth at  
16 the time that the person made that report.

17 “(b) IMMUNITY FOR RESPONSE.—

18 “(1) IN GENERAL.—Any authorized official who  
19 observes, or receives a report of, covered activity and  
20 takes reasonable action in good faith to respond to  
21 such activity shall have qualified immunity from civil  
22 liability for such action, consistent with applicable  
23 law in the relevant jurisdiction. An authorized offi-  
24 cial as defined by section (d)(1)(A) not entitled to  
25 assert the defense of qualified immunity shall none-  
26 theless be immune from civil liability under Federal,

1 State, and local law if such authorized official takes  
2 reasonable action, in good faith, to respond to the  
3 reported activity.

4 “(2) SAVINGS CLAUSE.—Nothing in this sub-  
5 section shall—

6 “(A) affect the ability of any authorized of-  
7 ficial to assert any defense, privilege, or immu-  
8 nity that would otherwise be available; and

9 “(B) be construed as affecting any such  
10 defense, privilege, or immunity.

11 “(c) ATTORNEY FEES AND COSTS.—Any authorized  
12 official or other person found to be immune from civil li-  
13 ability under this section shall be entitled to recover from  
14 the plaintiff all reasonable costs and attorney fees.

15 “(d) DEFINITIONS.—In this section:

16 “(1) AUTHORIZED OFFICIAL.—The term ‘au-  
17 thorized official’ means—

18 “(A) any officer, employee, or agent of the  
19 Federal government with responsibility for pre-  
20 venting, protecting against, disrupting, or re-  
21 sponding to a ‘covered activity;’ or

22 “(B) any Federal, State, or local law en-  
23 forcement officer.

24 “(2) COVERED ACTIVITY.—The term ‘covered  
25 activity’ means any suspicious transaction, activity,

1 or occurrence indicating that an individual may be  
2 engaging, or preparing to engage, in a violation of  
3 law relating to an act of terrorism (as that term is  
4 defined in section 3077 of title 18, United States  
5 Code).”.

6 (b) AMENDMENT TO THE TABLE OF CONTENTS.—  
7 The table of contents for the Homeland Security Act of  
8 2002 is further amended by adding at the end of the items  
9 relating to such subtitle the following:

“Sec. 890B. Immunity for reports of suspected terrorist activity or suspicious  
behavior and response.”.

## 10 **TITLE IX—MISCELLANEOUS**

### 11 **SEC. 901. REDESIGNATION AND MOVEMENT OF MISCELLA-** 12 **NEOUS PROVISIONS.**

13 (a) IN GENERAL.—The Homeland Security Act of  
14 2002 (6 U.S.C. 101 et seq.) is further amended by redesi-  
15 gnating subtitle H of title VIII (relating to miscellaneous  
16 provisions) as title XXIII of such Act, transferring such  
17 title to appear at the end of the Act, striking sections 889  
18 and 890 (consisting of amendments to existing law, which  
19 have executed), and redesignating the other sections of  
20 such title as section 2301 through 2320, respectively.

21 (b) CONFORMING AMENDMENTS.—Such Act is fur-  
22 ther amended—

23 (1) in section 506(b) (6 U.S.C. 316(b)), by  
24 striking “section 872” and inserting “section 2302”;

1           (2) in section 508(a) (6 U.S.C. 318(a)), by  
2       striking “section 871” and inserting “section 2301”;

3           (3) in section 508(d)(1) (6 U.S.C. 318(d)), by  
4       striking “section 871(a)” and inserting “section  
5       2301(a)”;

6           (4) in section 702(b)(2) (6 U.S.C. 432(b)(2)),  
7       by striking “section 874(b)(2)” each place it appears  
8       and inserting “section 2304(b)(2)”;

9           (5) in section 702(b)(2)(E) (6 U.S.C.  
10       432(b)(2)), by striking “section 874” and inserting  
11       “section 2304”;

12          (6) in section 702(b)(4)(A) (6 U.S.C.  
13       432(b)(4)(A)), by striking “section 872(a)” and in-  
14       serting “section 2302(a)”;

15          (7) in section 702(b)(4)(B) (6 U.S.C.  
16       432(b)(4)(B)), by striking “section 872(b)” and in-  
17       serting “section 2302(b)”;

18          (8) in section 702(a)(4) (6 U.S.C. 347(a)(4)),  
19       by striking “section 874” and inserting “section  
20       2304”; and

21          (9) in section 843(b)(1)(B)(i) (6 U.S.C.  
22       413(b)(1)(B)(i)), by striking “section 878” and in-  
23       serting “section 2308”.

1           (c) CLERICAL AMENDMENTS.—The table of contents  
2 in section 1(b) of the Homeland Security Act of 2002 (6  
3 U.S.C. 101 et seq.) is amended—

4           (1) by striking the items relating to subtitle H  
5 of title VIII; and

6           (2) by adding at the end the following new  
7 items:

“TITLE XXIII—MISCELLANEOUS PROVISIONS

“Sec. 2301. Advisory committees.

“Sec. 2302. Reorganization.

“Sec. 2303. Use of appropriated funds.

“Sec. 2304. Future Year Homeland Security Program.

“Sec. 2305. Miscellaneous authorities.

“Sec. 2306. Military activities.

“Sec. 2307. Regulatory authority and preemption.

“Sec. 2308. Counternarcotics officer.

“Sec. 2309. Office of International Affairs.

“Sec. 2310. Prohibition of the Terrorism Information and Prevention System.

“Sec. 2311. Review of pay and benefit plans.

“Sec. 2312. Office for National Capital Region Coordination.

“Sec. 2313. Requirement to comply with laws protecting equal employment opportunity and providing whistleblower protections.

“Sec. 2314. Federal Law Enforcement Training Center.

“Sec. 2315. Joint Interagency Task Force.

“Sec. 2316. Sense of Congress reaffirming the continued importance and applicability of the Posse Comitatus Act.

“Sec. 2317. Coordination with the Department of Health and Human Services under the Public Health Service Act.

“Sec. 2318. Preserving Coast Guard mission performance.

“Sec. 2319. Treatment of charitable trusts for members of the Armed Forces of the United States and other governmental organizations.

“Sec. 2320. Immunity for reports of suspected terrorist activity or suspicious behavior and response.”.

